

California Judicial Education for Youth Project

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Section I- Introduction

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Dedication

These teaching resources are dedicated to Dr. Diane L. Brooks, who wholeheartedly devoted her time, energy, experience and enthusiasm to this project. The contributions of Dr. Brooks to this project were invaluable. The project representatives from the Superior Court of California, Counties of Butte, Glenn, Napa, San Bernardino and Tulare express their deepest appreciation to Dr. Brooks for her efforts.

Acknowledgments

The California Judicial Education for Youth Project has benefited from the extensive law related education efforts undertaken in other jurisdictions across the nation. Each lesson, where appropriate, includes specific acknowledgments to organizations and individuals for the permission to adapt their materials for this project. In this section, we acknowledge all of the programs for their efforts, without which we could not have produced this resource for California teachers.

Many programs willingly and enthusiastically gave permission for the project team to adapt their materials. We are grateful to each of these programs for their generous support of our efforts. These programs include:

Minnesota Center for Community Legal Education – for permission to adapt several of the exemplary *CRADLE* law related education lessons. Teachers who created the lessons are acknowledged within the lesson.

New York State Unified Court System-for permission to adapt portions of their superior *Teaching Tools: NYS Unified Court System Elementary School Level* program.

Pennsylvania Bar Association and LEAP-Kids, Inc. -for permission to adapt a number of their excellent *Law Day* lessons.

Texas Young Lawyers-for permission to adapt lessons from their outstanding *Junior Judges: Helping Kids Make Smart Choices Curriculum Guide*.

Utah Law-Related Education Project-for permission to adapt portions of the exceptional *Your Day in Court 5th Edition A Manual for Teachers and Students Visiting the Utah State Court Facilities* resource

Washington State Courts-for permission to adapt some of their highly regarded law related education lessons from the *Judges in the Classroom Program*.

The project also wishes to acknowledge the following organizations:

Cobblestone Magazine-for permission to reprint the article entitled *Los Angeles: The City That Water Built*.

California Geographic Alliance-for permission to include a copy of their map of California showing California Counties in the materials.

The project team also acknowledges the many fine materials and websites that were recommended as resources to enrich the lessons. The availability of information on the web and published print resources to enrich civics lessons is limitless. We are grateful to the developers of all of these resources for making it possible to provide teachers the information they need to access to outstanding reference materials.

Project Background

The Superior Courts of Butte, Glenn, Napa, San Bernardino and Tulare were awarded a Community Focused Court Planning grant by the Judicial Council of California. The courts were requested to collaborate on a project to develop a judicial education curriculum for youth that could eventually be used statewide. In order to give the courts sufficient latitude for creative and meaningful program development, curriculum specifics were left to the courts to determine.

The collaborative courts conducted extensive research to determine an appropriate project scope and focus. A major first step was obtaining information from the local school districts regarding the project. Many districts expressed concern regarding time spent on any educational efforts not directly related to the Content Standards. Respondents were also concerned about devoting time to development of materials, given the heavy demands already facing educators. These factors guided the development of the project plan.

Many options were considered before concluding that resource materials should be developed for teachers at the 3rd, 4th and 5th grades. The courts recognized that an education expert would be needed to assist with curriculum development to insure the following:

- materials were linked to the appropriate History-Social Science and English-Language Arts Content Standards for California Public Schools
- learning objectives and lesson content were consistent with grade level expectations
- lesson procedures were easy to follow and provided time estimates for completion
- lessons were well researched and included engaging and meaningful activities.

The courts were extremely fortunate in securing the advice and assistance of esteemed educator Dr. Diane L. Brooks, who supported the development of every lesson included in the materials to insure they met the project objectives listed above.

Project Need

Researchers have identified some alarming statistics regarding the condition of civic education in the United States. A few examples follow:

- Once every ten years, the National Assessment of Educational Progress conducts a national assessment of civic knowledge in the 4th, 8th and 12th grades. The most recent civics report card was issued in 1998. The study found that 75 percent of students had a **basic** or **below basic** understanding of civics. The study also found that the percentage of fourth graders taking social studies daily fell from 49 to 39%.¹ This

¹ U.S. Department of Education. Office of Educational Research and Improvement. National Center for Education Statistics. *The NAEP 1998 Civics Report Card for the Nation*. NCES 200-457, by A.D. Lutkus, A.R. Weiss, J.R. Campbell, J. Mazzeo, & S. Laser. Washington, DC: 1999.

factor may be due to the higher priority given to subjects such as reading and math, where assessment testing is routinely conducted.

- Civic knowledge is thought to promote civic participation, in activities such as voting. The National Association of Secretaries of State conducted a national survey in 1998 and found that voting among young adults 18-24 years old, decreased from its high of 50% in 1972 to 32% in 1996.² According to the Center for Information and Research on Civic Learning and Engagement (CIRCLE), youth voter turnout was only 21 percent in 1998. The presidential election in 2000 resulted in a higher turnout of this group: 42%, but still significantly lower than those over 25: 70%.³
- Jury service is another measure of civic participation similar to voting in that the public considers the right to a jury trial an important part of our democracy. In fact, an American Bar Association poll found that 69% of the public consider juries to be the most important part of our justice system.⁴ Despite this support for the jury system, many citizens do not report for jury service when summoned. The connection between the right to a jury trial and the corresponding obligation for citizens to serve is missing.
- Other surveys have shown that young people view government as something that has little or no bearing on their lives. For example, a 1999 survey by Hart & Teeter found that 68% of 18-34 year olds are disengaged from government. A more recent study CIRCLE, found that 57% of 15-25 year olds are “completely disengaged from civic life.”

Although civic education has clearly not been given equal priority to other subjects in recent years, our nation’s founders considered it a central purpose of public education. For example, Thomas Jefferson identified several objectives for elementary education including the following:

“To understand his duties to his neighbors and country, and to discharge with competence the functions confided to him by either;

To know his rights; to exercise with order and justice those he retains; to choose with discretion the fiduciary of those he delegates; and to notice their conduct with diligence, with candor, and judgment; “⁵

² National Association of Secretaries of State, *New Millennium Survey: American Youth Attitudes on Politics, Citizenship, Government and Voting*, <http://www.stateofthevote.org/survey/sect1.htm>, accessed 11/26/03.

³ CIRCLE, Youth Voting Quick Facts, http://www.civicyouth.org/quick/youth_voting.htm

⁴ American Bar Association, *Perception of the U.S. Justice System (1998)*, <http://www.abanet.org/media/perception/perceptions.pdf>.

⁵ Thomas Jefferson on Politics and Government, Objectives in Elementary Schools, <http://etext.lib.virginia.edu/jefferson/quotations/jeff1370.htm>, accessed 11/26/03.

These ideals have also been embodied by other individuals and organizations in more recent history. A few are noted below:

- The Center for Civics Education has promoted a national campaign to strengthen instruction in civics and government for grades K-12.
- The Federal Courts have implemented an educational outreach program and recently issued a resolution to renew civic education as a national priority.
- The National Secretaries of State have implemented the New Millennium Young Voters Project to provide education and outreach to increase voter turnout in the 18-category.
- The National Education for Humanities has launched a *We the People* project to expand student understanding of American history, culture and civics.

The idea of civic education as a high priority for public schools is also supported by the general public. For example, *The 32nd Annual Phi Delta Kappa/Gallup Poll Of the Public's Attitudes Toward the Public Schools*, surveyed 1,093 adults at random. The poll asked participants to rank the seven reasons why the founders created public schools to see which were still important. "To prepare people to become responsible citizens" was given the highest ranking of importance. Further, participants were asked if schools should only teach the basic subjects such as English, math and science or provide a balanced education. 69% of respondents favored balanced education.

The priority of elementary school level civic education may also be changing in California, as evidenced by the October 2003 release of a new resource for K-12 teachers entitled *Education for Democracy: California Civil Education 2003 Scope and Sequence*. This project was directed by the Center for Civic education, created by the California Legislature and funded through the California Department of Education. According to the press release, a major purpose of this "sequential civics program" is to illustrate how the teaching of civics can be enriched through the existing History-Social Science and English Language Arts Content Standards.⁶ Teachers at every grade level are encouraged to incorporate civic lessons into their curriculum, using History-Social Science, English-Language and Performing Arts content standards.

Purpose of the Teaching Resources

The Judicial Branch of California has determined that it must retain the "respect, trust, and confidence of its diverse constituency" to be a "relevant, stabilizing force in society". Community outreach and education about the court system is essential to achievement of this goal.⁷ These materials were developed to address the critical judicial branch need to provide education about its role and responsibilities, while simultaneously meeting educator goals, including those of civics education renewal.

⁶ Center for Civic Education, *California Schools Get New Groundbreaking Guide to Expand Civic Education*, (Press Release) <http://www.civiced.org/scope.php>, accessed 11/26/03.

⁷ Judicial Council of California. *Leading Justice into the Future, Strategic Plan*, March 2000, page 14, http://www.courtinfo.ca.gov/reference/2_annual.htm

The California Judicial Education for Youth materials provide opportunities to teach civics in a systematic way, are enriched through literature resources and are aligned with both state and national content standards. The materials go beyond the basic facts about government to address larger public issues. For example, the competing interests involved with decisions about the environment are explored in the *Making an Appeal: Mono Lake* lesson; issues of discrimination and inequality are explored through the *Teasing and Bullying* lesson. The underlying principles of our democracy are explored through lessons on citizenship and human rights. Ways to participate in government and a civil society are investigated throughout the materials in lesson procedures and extension activities. Where possible (due to the age of the students) court cases are used to illustrate key decisions that have guided policy in a particular area, as well to show how courts work.

Research has also shown that civics programs that include law related education components have numerous benefits that provide support to the entire social studies program. These programs assist with 1) development of citizenship 2) prevention of delinquency 3) increasing interest in social studies through interactive activities 4) increasing the understanding of history, government and economics through the exploration of essential legal concepts.⁸

Teaching Tips

Incorporating the Materials

As stated above, the materials are linked to the History-Social Science Standards and English-Language Arts Standards for Grades 3-5. They are intended to supplement classroom curriculum for those standards. To provide teachers with an “at a glance view” of the standards covered, the individual table of contents for each grade lists the corresponding History-Social Science and English-Language Arts standards covered by individual lessons. A standard format is used for each lesson that includes links to the standards, key words/terms, lesson overview, objectives, list of materials, lesson procedures, evaluation, extension activities, print and non-print supporting resources and links to the National Standards for Civics and Government. Worksheets needed for the lesson procedures and extension activities are also included and a number of lessons have additional supporting materials such as transparencies.

The print resources were checked for availability. Books that were no longer in print or hard to get were avoided. Efforts were made to insure that the reading level was appropriate for the grade level suggested, but some lessons include recommendations for books intended for teacher background. Efforts were also made to check the currency and appropriateness of websites; however, due to the constant changes associated with the Internet, we cannot guarantee that all listed websites are still accessible.

⁸ Pereira, Carolyn. “Law Related Education in Elementary and Secondary Schools”, *Eric Digests*, 1998, page 1.

The remaining sections of the materials are intended to support all of the lessons. Section II-*Court System Overview* describes the judicial branches of California and the United States. Teachers may find it useful to refer to this section for background information about the courts as well as incorporate it into lessons as appropriate. Section VI – *Visiting the Courthouse* includes appropriate courthouse activities by grade level linked to the standards. Teachers interested in a field trip to their local courthouse, will find this a helpful resource.

Finally, Section VII *Additional Resources* includes a glossary of all the terms listed in the lessons. While these key words and terms can usually be found in a dictionary or other source, this section lists the definition related to the term as used in the lesson. This section also includes a list of websites particularly useful to the study of civics and law related education. The websites are grouped by category to minimize the amount of research needed to locate an appropriate resource.

How to Use

Teachers with sufficient time, class ability and interest level, may choose to complete an entire lesson. Teachers with differing circumstances, such as a high number of students struggling with reading, may choose to use only part of a lesson. Teachers should also adapt the lessons and their use as they see fit. For example, if a lesson is considered too challenging for the regular classroom environment, it could be used for the GATE program. There are multiple ways to use the resources; the appropriate choice is based on class need.

The lessons are standalone; however, teachers may find it beneficial to link a particular lesson to their textbook. Originally, the project anticipated linking the lessons to the most widely available civics textbook in California for Grades 3-5, however, we were unable to identify a single civics textbook that was used for civics at these grade levels. Thus, in case teachers do not have a civics textbook to draw on, we wanted the lessons to be useful on their own.

The lessons are listed in the order of the History-Social Science Content Standards for ease of reference. As the standards are written in the order in which they are anticipated to be taught, it makes sense to use the lessons in this order. This is not a requirement, however, nor is it necessary that a teacher use all lessons in a section.

Resource Persons

Some of the lessons would benefit from the assistance of a resource person, such as a county official, judge, lawyer, police officer, legislator or other legal professional. The education, skills and experience they possess can greatly enhance law related lessons. Some lessons indicate where a resource person would be helpful, but teachers should use their own judgment in determining when to request outside assistance.

Schools interested in this assistance should contact the local superior court in your county or the local bar association. Court websites and other contact information for California Superior Courts are available by county at <http://www.courtinfo.ca.gov/courts/trial/>. The State Bar of California provides a simple means of accessing contact information for your local county bar association at <http://www.calsb.org/rm/brelscht.htm>. (Enter your county's name in the search box).

To insure a positive experience working with an outside resource person, teachers are encouraged to provide their guest with specific information, such as:

- Grade level and class size
- Lesson topics to be covered, what assistance you would like provided
- Date, time and length of class
- Logistical details, including parking, visitor check-in etc.

Internet Access

A survey to California schools within our districts conducted at the beginning of the project indicated that 90 percent of respondents had access to the Internet. Although not all districts responded, this appeared to be a strong indicator that the Internet would be an available resource for most schools. Thus, we proceeded to incorporate web based research and activities into the lessons, to enhance lesson procedures and extension activities. To accommodate those classrooms that do not have access to the Internet or have only limited access, we also made every attempt to list alternative sources of the information.

As part of the standard lesson format, all Internet links are listed under Non-Print Resources in each lesson. When using a particular lesson, teachers may want to visit the recommended sites to become familiar with what is there and which sites are most appropriate for a particular group of students. It might also be advisable to post the selected sites on the classroom computers in the order that students should visit them while working on the lesson.

Evaluation Process

The intent of these materials is provide teachers with a useful resource that is aligned with many existing education mandates and to further the goals of expanded civic education. The project staff is interested in any comments you may have to improve the lessons.

An evaluation form is included on the last page of Section VII, Additional Resources. Evaluation forms may be completed for any or all of the resource materials. Evaluation comments (with or without the evaluation form) can be faxed or emailed to project staff

listed below: **California Judicial Branch Education for Youth**

Project

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Introduction

This overview to the Judicial Branch of Government was prepared with the California History-Social Science Content Standards in mind. It is intended to provide teachers with useful background information regarding the judicial branch that will support the lessons and activities contained in the Resource Guide. Please note: the terms “judicial branch” and “court system” are used interchangeably throughout this section.

Judicial Branch Overview

The Constitution, written as the foundation of our government, is designed to restrict government power and protect citizens’ rights. The colonists who created the Constitution were very concerned about the abuse of government power. To prevent this, the system of government they created provides separate branches that have different jobs. Separation of powers is essential for each branch to fulfill its important role. There are also checks and balances to make sure no single branch has too much power. The three branches of government created by the Constitution are the Legislative (congress), Executive (president) and Judicial (courts). The legislative branch makes the laws. The executive branch enforces the laws. The judicial branch interprets and applies the laws to resolve disputes between parties.

The Constitution requires that all persons are treated equally. Thus, whether you are rich or poor, weak or powerful, you are subject to the same laws and procedures and receive the same rights. The Constitution, not the current government leaders or will of the majority of voting citizens, is supreme. This is called the “rule of law”. The framers of the Constitution also learned from their experience with King George and Great Britain during the time leading up to the American Revolution that judges needed to be independent from the other branches of government to be able to protect citizens’ rights. As Alexander Hamilton stated when describing his vision for the new country’s judicial department “There is no liberty if the power of judging is not separated from the legislative and executive powers.”

Each of the 50 states also has a constitution. Both the federal and California constitutions include protections of basic rights. For example, both documents provide a right to speak freely and exercise religious beliefs. Many of the rights found in the Bill of Rights (first ten amendments of the U.S. Constitution) and the California Declaration of Rights are for the purpose of ensuring a fair judicial process. These rights are called “due process rights” and include such provisions in criminal cases as the right to a speedy public trial and for the defendant to have the assistance of counsel for his or her defense.

The disputes that come before courts may be between individuals, between the government and individuals, between individuals and corporations and between organizations. The types of cases that people bring to the court for solution are both big and small. For example, people come to the state courts to resolve traffic tickets, adopt children, work out problems with their neighbors, get a divorce, and answer charges of violating criminal laws. In all types of cases, the courts are relied on to interpret the law, protect our rights and provide a place where people can resolve their disputes peacefully. They serve as the referee between the government and the people by figuring out the limits of government power and the extent of an individual's rights and responsibilities. When people feel they have been injured or treated unjustly, they come to the courts for help.

All states, including California, have two separate and distinct court systems: one federal and one state. The American Bar Association notes that 98% of court cases are heard in the state courts.⁹ This difference in workload is because most of the legal issues that come before courts involve disputes governed by state laws, not federal. Each court system is described below.

California Courts

In September of 1849, 48 delegates gathered in Monterey California to draft the California Constitution. The judicial system created under this constitution included a supreme court (one chief justice and two associate justices), district courts, county courts and justices of the peace.

The first Chief Justice of the California Supreme Court was Serranus Clinton Hastings (served 1850-1852). Many of the court's early cases dealt with Gold Rush issues such as "...titles to property, mining and agricultural issues, and rights to water and minerals on public lands."¹⁰ Changing circumstances in the state, particularly due to population growth and economic development, led to a need to modify the original court structure. The new Constitution of 1879 created an entirely new judicial system. The new system included a superior court in each county, most having one judge but a few having two, and a larger supreme court. Later, more changes occurred by constitutional amendment, including adding a new level of appeals courts.¹¹

Today, Article VI, Section 1 of the California Constitution reads as follows:

⁹ American Bar Association, *Law and the Courts, Volume II, Court Procedures*, page 5. Chicago, Illinois: American Bar Association, 1998.

¹⁰ *The Supreme Court of California, 2003 Edition-Containing the Internal Operating Practices and Procedures of the California Supreme Court*, , Supreme Court of California, 2003, Part 1, page 19.

¹¹ Virtual Museum of the City of San Francisco, *Seventy-Five Years of Law in California*, Jeremiah F. Sullivan, 1925, <http://www.sfmuseum.net/hist9/bryce3.html>, accessed January 14, 2004.

“The judicial power of this State is vested in the Supreme Court, courts of appeal, superior courts, and municipal courts, all of which are courts of record”.

Page for California Court System Chart

Municipal Courts typically handled a high volume workload consisting primarily of civil cases of limited jurisdiction, small claims, traffic and misdemeanor offenses. They no longer exist in California. In 1998, California voters approved a constitutional

amendment that allows judges in each county to “unify” (vote to become a superior court instead of being a separate municipal and superior court). Since 2001, all California municipal and superior courts have been unified and each county has one superior court. Each type of California court is described below.

California Superior Courts

A California court case begins in the superior court. The superior court is a trial court at the county level in which a judge or jury decides cases by applying the law to the facts presented by the evidence, including witness testimony and documentary evidence. The superior courts handle a very large workload: over 8 million cases per year. There are many different types of cases heard, but they are grouped into two main categories: civil and criminal. Civil cases are brought against individuals or organizations by other individuals or organizations. In some civil cases, the person who is filing the case (called the plaintiff) is asking for money damages to be paid by the other person (called the defendant). In other kinds of civil cases, the parties ask the court to take a certain action, such as allow the adoption of a child, end a marriage, decide what should happen with the belongings of a person who died, or change someone’s name.

Criminal cases may involve something minor such as a traffic ticket or something very serious such as a murder case. When a criminal case is filed, it is filed by the government instead of an individual person. This is because when someone is charged with breaking a law, he/she is accused of violating the laws of society. The attorney who works for the government and files the criminal case is called the prosecutor. The prosecutor must prove to the judge or jury that the accused person (called the defendant) is guilty beyond a reasonable doubt. The person who represents the defendant in court is called the defense attorney. Criminal cases point out two important rights provided by our system of laws. First, all persons accused of a crime are believed to be innocent until they are proven guilty. Second, persons accused of serious crimes (called misdemeanors or felonies) who cannot afford an attorney, will have one appointed by the court. These provisions help protect everyone’s rights.

In California, each of the 58 counties has one superior court with as few as two judges in smaller courts to more than 400 in the largest court (Los Angeles). Statewide, there are a total of 1498 authorized superior court judges.¹²

¹² California Courts, *Fact Sheet-California Courts*,
<http://www.courtinfo.ca.gov/reference/documents/cajudsys.pdf>, accessed January 14, 2004.

Superior court judges are elected by the voters in the county where the court is located to serve six-year terms.

California Courts of Appeal

Appeals made in California courts involve California laws and court decisions. An appeal is a request to a higher court to review a decision made in a completed trial or proceeding at the superior court level. After a trial is completed, if the losing party is dissatisfied with the result and believes that an error was made by the court, the party may file an appeal in the court of appeal. In a criminal case, the defendant may appeal a guilty verdict, but the government may not appeal a verdict of not guilty. The reason for the difference is that both the California and U.S. Constitutions prohibit “double jeopardy” or being tried twice for the same crime.

The courts of appeal decide questions of law, such as whether the superior court judge applied the law correctly in a case. The courts make these decisions based on the evidence and other information from the superior court case; they do not hear testimony or retry cases. Appellate judges spend their time hearing oral arguments, researching the law involved in a case, conferring about cases and writing opinions. Other differences between appeals courts and trial courts are that appeals courts do not have juries and there are usually three judges (called justices in the appeals court) instead of one.

“The Legislature has divided the state geographically into six appellate districts, each containing a Court of Appeal”.¹³ The main court facilities for these districts are located in San Francisco, Los Angeles, Sacramento, San Diego, Fresno and San Jose. Each division of the appeals court has one presiding justice and two or more associate justices. The justices are appointed by the Governor and confirmed by voters statewide for 12-year terms.

California Supreme Court

The California Supreme Court is the highest court in the state. “The California Supreme Court may review decisions of the Courts of Appeal to settle important questions of law and ensure that the law is applied uniformly in all six appellate districts.”¹⁴ It is called the “court of last resort” in California because its decisions are binding on all other courts of this state.

The Court has the authority to decide which cases it should hear. Exceptions to this are some cases where the court has original jurisdiction and death penalty cases, which are automatically appealed to the Supreme Court. The requests for review and other work resulted in a workload of nearly 9,000 cases in 2001-2002. Each case accepted for review involves many steps

¹³ *The Supreme Court of California, 2003 Edition-Containing the Internal Operating Practices and Procedures of the California Supreme Court*, page 1. Supreme Court of California, 2003.

<http://www.courtinfo.ca.gov/courts/supreme/documents/supreme2003-1.pdf>, accessed 8/25/03.

¹⁴ Ibid, page 2.

including reviewing the merits, hearing arguments presented by the attorneys for each side, preparing a “written opinion that explains and resolves the legal issues raised and guides the lower courts in applying the law”.¹⁵ The California Supreme Court decides many important legal issues for the state.

The California Supreme Court includes one Chief Justice and six Associate Justices. The justices are appointed by the Governor and confirmed by voters statewide for 12-year terms. The court has its main office in San Francisco, but also has offices in Sacramento and Los Angeles.

Federal Courts

The federal court system is provided for by Article III of the United States Constitution.

“The judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.”

This part of the constitution is short but very important. It means that federal judges may not have their pay reduced or be removed from office if they make a decision that rules against one of the other branches of government or is unpopular with the will of the majority of voting citizens. This allows judges to maintain the supremacy of the constitution and the rule of law. The federal courts are sometimes called the “guardians of the constitution” because their rulings protect rights and liberties guaranteed to all by the constitution.

There are two main types of federal courts (trial and appeals) but three different levels described below. In addition to the courts that will be described here (district courts, courts of appeal and the supreme court), there are other special federal courts that hear only certain types of cases. The federal courts are organized into 12 circuits and 94 districts. Each circuit has an appeals court. Each district has a trial court and a bankruptcy court. All of the federal courts (also called United States Courts) located in California are part of the Ninth Circuit. The Ninth Circuit is the largest of the federal circuits in size, population, number of federal judges and volume of litigation. California has four federal judicial districts, which have their main courthouses in San Francisco, Sacramento, Los Angeles and San Diego.

¹⁵ Ibid, page 19.

Page for federal court chart

United States District Courts

“A case may be filed in federal court only if there is a specific federal law or a provision in the U.S. Constitution granting the federal courts *jurisdiction* (the right or authority to apply the law).”¹⁶ The United States District Courts are the trial courts of the federal system. This means that they are the first courts to make a decision about the dispute, by listening to testimony, reviewing other evidence and applying the law. District courts hear legal disputes in which the United States is a party, in which the opposing parties are different states or where the parties are citizens of different states. Most cases that are filed in the district courts are completed there (do not go on to appeal).

District courts hear about 80% of the federal court cases. The number of judges in a district varies from 2 to 28. The president has the power to nominate individuals he believes are qualified for these positions. The nominations must be approved by the U.S. Senate.

United States Courts of Appeal

An appeal is a request to a higher court to review a decision made in a completed trial or proceeding. Most appeals come to the U.S. Courts of Appeal from district courts located in the same circuit. These courts hear both criminal and civil cases. As with the state courts, either side in a civil case may appeal the verdict, but in criminal cases, the right to appeal convictions is reserved for defendants.

Not everyone losing a case can file an appeal. The main reason is that there has to be a legal basis for the appeal; just wanting a different outcome is insufficient. Most of the cases that are appealed to the U.S. Courts of Appeal do not go on to the U.S. Supreme Court. Like the district court judges, courts of appeal judges are nominated by the president and confirmed by the senate.

United States Supreme Court

The U.S. Supreme Court is the highest court in the land for all cases arising under the Constitution or the laws of the United States. “As the final arbiter of the law, the Court is charged with ensuring the American people the promise of equal justice under law and thereby, also functions as guardian and interpreter of the Constitution”.¹⁷ It has the authority to invalidate (cancel) legislation or executive actions which in the Court’s judgment conflicts with the Constitution. This power is called “judicial review”.

¹⁶American Bar Association, *Law and the Courts, Volume I, The Role of the Courts*, page 9. Chicago, Illinois: American Bar Association, 2000, emphasis in original.

¹⁷ Supreme Court of the United States, *The Court and Constitutional Interpretation*, <http://www.supremecourtus.gov/about/constitutional.pdf>, page 1, accessed 8/25/03.

The power of judicial review is not specifically stated in the Constitution, but was established by Chief Justice John Marshall in 1803, in the case of *Marbury v. Madison*. Marshall said that it was the judiciary's duty to say what the law is; thus courts are to decide which is the governing law if two laws conflict. This decision also made it clear that if the Constitution and an "ordinary legislative act" conflict, "the Constitution and not such ordinary act, must govern the case to which they both apply".¹⁸

The important power of judicial review has been used sparingly by the Court. Some famous rulings have been issued where the Court has applied the Constitution to overturn laws or resolve conflicts between the branches of government, but only infrequently: in over 200 years, only 150 federal statutes have been declared unconstitutional by the Supreme Court.¹⁹

One well-known example of judicial review is a case that turned 50 years old on May 17, 2004, *Brown v. Board of Education of Topeka, Kansas*. Before this case, it was acceptable for public schools to segregate "colored" and "white" children as long as the separate facilities provided for blacks were equal to those provided to whites. This practice was known as "separate but equal". The issue in the *Brown* case was whether or not segregation deprived students of equal protection under the law as guaranteed by the Fourteenth Amendment of the U.S. Constitution. The Court unanimously decided in the *Brown* case that segregation of the public schools was unconstitutional. Thus, the *Brown* case illustrates how judicial review ensures that laws are fair and in alignment with the Constitution.

The United States Supreme Court is composed of one Chief Justice and eight Associate Justices. Supreme Court Justices are appointed in the same manner as other federal judges. The Court's workload has grown steadily from about 1,460 cases in 1945 to 2,313 in 1960, to a current total of 7,000 on the docket per Term.²⁰ One million visitors per year visit the Court, which is located in Washington D.C. The Court has a large courtroom where up to 300 visitors can hear the oral arguments presented by attorneys to the justices.²¹

Supreme Court decisions may have far-reaching effects on the country, such as the *Marbury v. Madison* decision that established the power of judicial review and the *Brown* decision above. Some of the justices become very famous, such as Thurgood Marshall, but others are lesser known, despite the sweeping effects of their decisions. In part, this is because the role of a judge in

¹⁸ American Bar Association Division for Public Education, *Law Day 2003 Planning Guide Independent Courts Protect Our Liberties*, page iii, Chicago, Illinois: American Bar Association, 2002.

¹⁹ American Bar Association, *Law and the Courts, Volume I, The Role of the Courts*, pages 6-7. Chicago, Illinois: American Bar Association, 2000.

²⁰ Supreme Court of the United States, About the Supreme Court, *The Justices' Caseload*, <http://www.supremecourtus.gov/about/justicecaseload.pdf> page 1, accessed 8/26/03

²¹ The Missouri Bar Advisory Committee on Citizenship Education, *The Citizenship Educator*, page 2, <http://www.mobar.org/teach/ced0598.pdf>

protecting individual liberties, requires a strict code of ethics that limits a judges ability to discuss cases and to advocate on his or her own behalf. The *California Judicial Education for Youth Project* materials include references to many resources for additional information about the unique role of judges.

Judges²²

Judges serve the public by using their legal skills and knowledge to impartially interpret and apply our laws. Although their duties differ depending on the type of court in which they serve, all judges are sworn to uphold our laws and constitutions. Trial court judges at all levels have many responsibilities. Their primary function is to preside over trials and other hearings. They also spend a significant amount of their time reviewing cases, researching the law, ruling on motions, and writing orders. They must keep many cases moving through the court system and at the same time ensure that each case receives individual justice.

Appellate court judges, including those on the courts of appeal and the supreme court, do not preside over trials. Their review of a case is limited to the court record made in the lower court. Appellate judges spend their time hearing oral arguments, researching the law involved in a case, conferring about cases and writing opinions. These opinions are very important to the legal system. For example, the decisions of the California Supreme Court represent the final authority on matters involving the California Constitution and state law.

When deciding a case, judges must consider only the evidence presented, the applicable law and the legal issues raised by the parties. When there is disagreement about the meaning or application of a law, judges follow established legal principles in making decisions. By applying established laws equally and impartially to everyone regardless of who they are, the rule of law is maintained.

Although it is appropriate for lawmakers to consider the views of their constituents when deciding public policy, judges must remain impartial when deciding cases. This distinguishes judges from legislators and executives, such as the governor or president. Judges should never represent one group over another or express preference for one policy over another. If they did, they would not be impartial. The drafters of our federal and state constitutions devised these differences to ensure that no individual or group could completely dominate our government.

An independent judiciary is essential for our system of government to work. Judicial independence does not mean that judges are not accountable to the

²² This section is excerpted from Iowa Judicial Branch, *The Role of a Judge*
<http://www.judicial.state.ia.us/judges/role.asp>, accessed 12/18/03.

people. Judges are accountable for their actions but not in the sense that they must rule according to public opinion. If judges make errors in their decisions, they can be corrected by a higher court on appeal. If they act unethically, they are subject to disciplinary action, including removal from office, through the judicial qualifications process. At the state level, citizens can also vote at election time whether or not to retain a judge whose term is up.

Juries

One of the fundamental rights of the United States Constitution is the right to a trial by jury. This right is provided for both criminal cases (6th amendment) and civil cases (7th amendment). In order to provide this right, all eligible United States citizens are required to serve on jury duty when summoned (requested) by the court. To be eligible to serve on a jury in California, you must be a U.S. citizen, over the age of 18, a resident of the county that issued the jury summons and able to understand the English language. Those who have been convicted of a felony violation, however, are ineligible for jury service.

Juries perform a very important function that is necessary to ensure a fair trial. During the trial, the judge is in charge of the courtroom and makes the final decisions regarding the law. The attorneys represent the parties in court and talk to the judge and jury on their behalf. The jurors are responsible for listening to the evidence presented in a fair and unbiased manner and for applying the law to the facts that were offered as instructed by the judge. Jurors then meet in private to discuss (deliberate) the case and make their decision. The jurors decision, called a verdict, is then presented to the court by the person the jurors selected to represent them, called the jury foreperson.

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Thank you in advance for your help in improving these materials.

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1-1 Rules and Responsibilities: An Alien Approach to Law²³

Grade Level and Number of Class Periods:

Grade three, two class periods

Alignment to California Standards

History-Social Science Content Standards

- 3.4.1 Determine the reasons for rules, laws, and the U.S. Constitution; the role of citizenship in the promotion of rules and laws; and the consequences for people who violate rules and laws.

English-Language Arts Content Standards

Writing Applications

- 2.1 Write narratives.
2.2 Write descriptions that use concrete sensory details to present and support unified impressions.

Listening and Speaking Strategies

- 1.2 Respond to questions with appropriate elaboration.

Speaking Applications

- 2.1 Make brief narrative presentations.

Key Words or Terms:

authority	democracy	laws	responsibility
chaotic	disorderly	order	rights
citizen	harmony	power	rules
Constitution	justice	protection	safety

Lesson Overview:

The multi-step lesson creates an awareness of the importance of laws and rules in a democratic society, and an understanding of citizenship in the school, in the community, and at home. The scenario for the sequence of lesson activities is a visitation of an alien to the classroom. The alien comes from a lawless environment on another planet, and learns through the children's experiences about the benefits of laws and rules. This is an integrated lesson, history-social science with English-language arts, that includes vocabulary development, creative writing, listening and speaking activities.

¹

This lesson was adapted from the “*Rules and Responsibilities: An Alien Approach to Law*” lesson created by Katherine Zuzula, Elementary School Teacher, Richmond, Kentucky. “*Rules and Responsibilities*” is made available by the Minnesota Center for Community Legal Education website called Civically Speaking, under the CRADLE lessons link at <http://www.ccle.fourh.umn.edu/lessons.html#CRADLE>

Lesson Objectives

1. Understand terms related to societies with positive interactions among people, and those with negative interactions among people.
2. Explain “law” and why laws are needed among people.
3. Describe “Constitution” and explain some of the laws in the U.S. Constitution.
4. Create a set of classroom rules, or “Constitution”.
5. Understand “authority”, and a citizen’s responsibility for maintaining a society with positive interaction between people.

Materials Needed:

- poster paper for each student
- crayons
- student copies of Worksheet: Dear Alien, Rules, Laws and Responsibilities, page 8
- student copies of Vocabulary Puzzle
- 5-6 pieces of chart paper.

Lesson Procedures:

1. The teacher tells the class, “A creature from another planet has arrived in our classroom. It comes from an environment that is chaotic and disorderly. The creature wants to observe us so that it may learn how harmony and order can be achieved on our planet Earth. It wants to be a friend; not an enemy to us. The creature is anxious to learn about laws, how they influence our behavior and why they are necessary.” The teacher leads a discussion with questions such as:
Why do you think that the alien came to our classroom?
What can it learn from us?
How can we make the alien feel welcome?

The teacher lists on the chalkboard or on a transparency the following terms: chaotic, disorderly, harmony, order, friend, enemy, laws, behavior, necessary. Two columns are created on the chalkboard—with headings “positive interaction among people” and “negative interaction among people”. Students volunteer to describe the terms, write the term on the chalkboard under the proper heading, and explain the reason for column placement. What other terms might be listed in each column? Why?

2. On a sheet of poster paper, each student draws an image of the “alien” visitor, and gives it a name that describes the process of learning about laws. Using a teacher-made chart, the teacher describes the process:

A pply

L earn

I nvestigate Laws! Laws! Laws!

E valuate

N eed

Following the next activity, the posters decorate a bulletin board, or are hung from the ceiling around the teacher-made A L I E N chart.

3. Our alien needs help, and students help it to understand: What is a law? Why do we need laws? Duplicate for each student the Worksheet: Dear Alien, Rules, Laws and Responsibilities, page 8. Students respond to the questions and illustrate their responses. They then meet in groups of three to share their responses, and add to them if desired. The Worksheet is pasted to the back of their Alien poster.
4. Students help Alien learn vocabulary words associated with laws. Duplicate for each student the Worksheet: Alien Develops a New Vocabulary page 9. Students complete the crossword puzzle and tape it below each student's poster of the alien for the alien to take "home".
5. As a homework assignment students, with family members, talk about the importance of rules and laws at home, at school, and in the community. Why are they needed? What would it be like without them? The student writes two paragraphs, one titled, "Life with Rules", and the other, "Life without Rules". It is illustrated with a magazine or newspaper picture or article about a rule, or a student drawing if a magazine or newspaper is not available. This activity then becomes part of the Alien's packet to take back to its planet.
6. What is a Constitution? How is a Constitution like a list of rules or laws? Using a U.S. Constitution, usually found in the Appendix of a U.S. History textbook, or in a library resource, the teacher explains some of the laws. The website <http://constitutionfacts.com/index.shtml> (see Resources section for information) is useful for this activity.
7. Students create a set of class rules, or Constitution. They work in groups of 4-5 and select a group discussion leader and a group recorder. The leader conducts a discussion and the reporter lists on chart paper 4-5 rules that would have the class work in harmony and order and create a place for positive interaction between people. After five minutes, each group (leader with recorder) shares the list with the whole class. The teacher leads a class discussion and agreement is reached on the class rules/laws/Constitution. The list is posted for all to work at creating a positive environment. During weekly "class meetings" the rules are discussed. Were there issues that we should talk about? Sometimes rules need to be amended. Are there changes or additions that would make our classroom a better one?
8. What is authority? Who is responsible for determining that rules/laws are followed? The teacher leads a discussion that helps to persuade students that "one person" is not always responsible; e.g. the teacher, the principal, the city Mayor, the police chief, a Judge in a Court, or the President. What is a citizen? What is a citizen's role in helping to create a place for positive interaction between people? Students do a quick-write, "How I can help to create a good place to live." Students should come to the conclusion that all persons in a democratic society are responsible for making and enforcing rules, and that there is a place where differences can be settled.

9. All the products of this lesson, including the evaluation activity, are stapled or bound together for the Alien to “take home to its planet”. The Alien can now help to create a democratic society.

Lesson Evaluation:

For Language Arts, students write a multi-paragraph essay, “Rules/Laws are Important”. Examples of their importance at home, at school, and in the community are explained.

Extension Activities/Lessons:

1. Read the story of Poppy, see Resources, Print section, to the students. Use this story to elaborate on the themes of law, authority and justice explored through the lesson. Explore questions such as “In what ways was the ruler of Dimwood Forrest unfair to the animals?” “What should people do when they think a law in their community is unfair?” “What can I do?”
2. Assign students in three teams to go on a webquest to learn about the executive, legislative and judicial branches of government and complete the activity sheets, as explained in the Great Government for Kids website that is listed in the Resources section.
3. Students research basic facts about the Constitution using the ConstitutionFacts.com website. Once students have completed their research, test their knowledge by creating a transparency of Basic Constitution Puzzle 1 or 2 for the class to work on as a group.
4. For homework, the student with family creates a family agreed-upon list of Rules for Home. The list is posted on the refrigerator and reflected upon periodically as a family. Do the rules make for living harmoniously? Are changes (amendments) needed?

Resources:

Print

Avi. *Poppy*. Marietta, Georgia: Camelot Publishers, Reissue edition, 1997. The ruler of the Dimwood Forest is a tyrant, who causes Poppy, a timid Dormouse to challenge his rule-making authority.

Center for Civic Education. *Foundations of Democracy: Authority, Privacy, Responsibility, and Justice*. Calabasas, California: Center for Civic Education. Center for Civic Education 1999. The books titled *Authority* and *Justice* are helpful resources for this lesson. Lesson 2, “Why Do We Need Authority?” is available on the Center for Civic Education web site http://www.civiced.org/fod_elem_auth02_sb.html

Rathmann, Peggy. *Officer Buckle and Gloria*. New York, New York: Putnam Publishing Group, 1995. Officer Buckle’s dull speeches about safety cause students to fall asleep until Gloria the police dog helps him with his presentations.

Non-print

ConstitutionFacts.com

<http://constitutionfacts.com/index.shtml>

Copies of the Constitution, Bill of Rights, Declaration of Independence are included as well as Fascinating Facts about each document. Crossword puzzles by knowledge level (basic, intermediate, advanced and expert), key historical dates and a glossary of terms are also available.

Great Government for Kids

<http://www.cccoe.net/govern/index.html>

Nancy White and Debbie Sioui, a teacher-team from Lafayette, California created this website. It contains a detailed on-line lesson plan about government and laws aligned with the California History-Social Science Standard 4 for the 3rd grade. An extensive list of government and famous person web links is included to support the lesson. A scavenger hunt of the City of Lafayette's website provides students the opportunity to learn about local government. It could be adapted to the students' community.

The California State Assembly, *Kids Stuff*

www.assembly.ca.gov

Kids can play a game entitled "Your Idea Becomes a Law". The game starts by entering an idea for a law on one of the following topics: Health and Safety, Education, Business, Environment and Natural Resources and Taxes and Revenue. The process proceeds from the idea stage through the legislative process all the way to the Governor's desk.

National Standards for Civics and Government

Grades 1-4 Content I (E) Purposes of rules and laws. Students should be able to explain the purposes of rules and laws and why they are important in their classroom, school, community, state and nation.

WORKSHEET

“DEAR ALIEN, RULES, LAWS AND RESPONSIBILITIES”

Dear Alien _____,

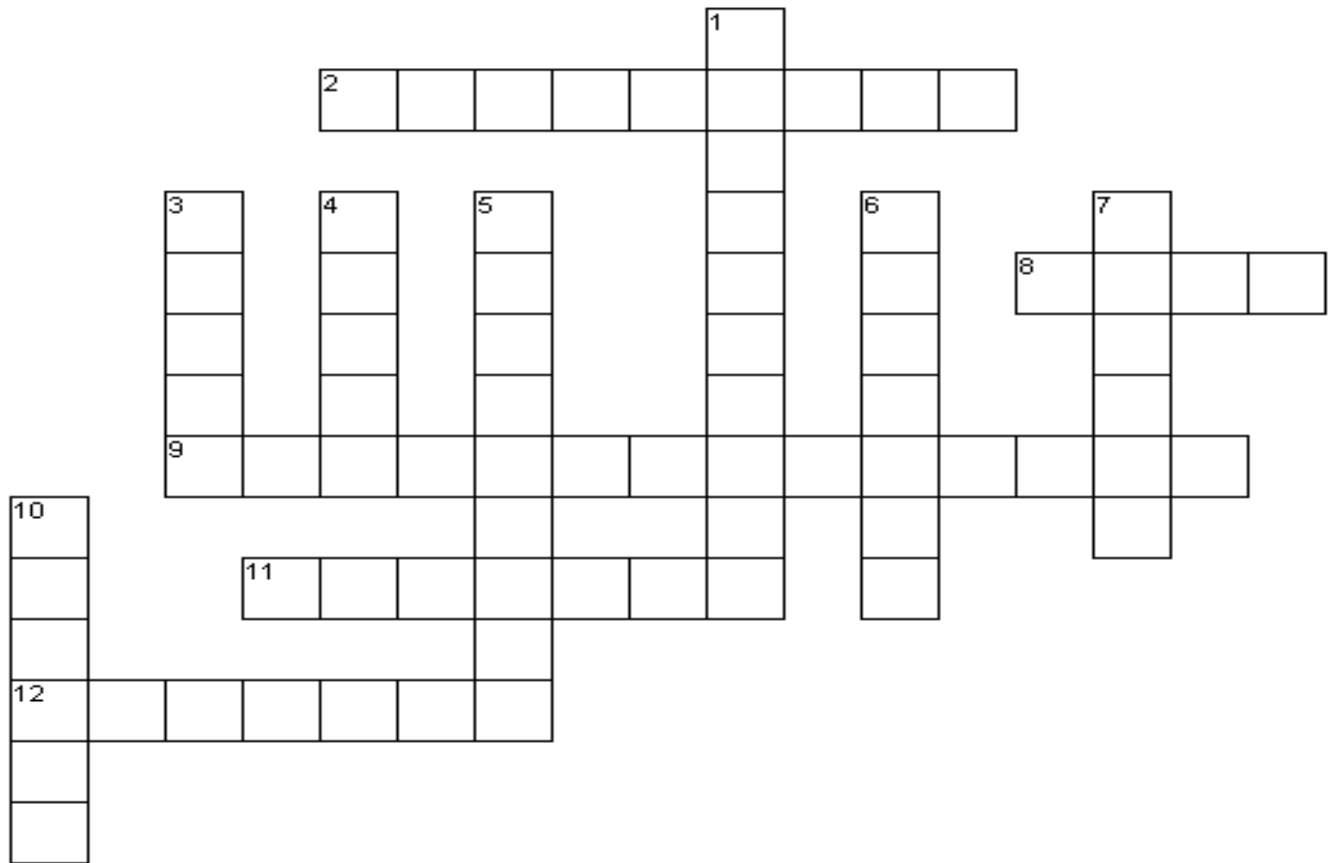
Here are some tips about rules, laws and responsibilities to take to your planet.

Your friend,

This is a law:
Laws are important at home because:
Laws are important at school because:
Laws are important in the community because:
This is a community with laws:
This is a community with no laws:

1-2 Worksheet

1-3 Alien Develops a New Vocabulary



Across

2. The citizens of the United States live in a _____ where the people have the power.
8. _____ are necessary so that we will have order in our society.
9. It is our _____ to obey laws and rules.
11. A _____ has rights and responsibilities.
12. Laws are needed to allow people to live in _____.

Down

1. Laws provide _____ for us and our property.
3. Lawmakers have the _____ and authority to design laws which will provide a peaceful environment for us.
4. We have to follow _____ at home, school and in our community.
5. Judges have the _____ to interpret and apply the law.
6. _____ for all is a goal of laws.
7. Our _____ is insured if laws are obeyed.
10. As citizens of the United States, our _____ are protected by laws.

The Mindwalk²⁴

Grade Level and Number of Class Periods:

Grade 3; one class period

Alignment to California Standards:

1-4 History-Social Science Content Standards

- 3.4.1 Determine the reasons for rules, laws, and the Constitution; the role of citizenship in the promotion of rules and laws; and the consequences for people who violate rules and laws.

English-Language Arts Content Standards

Writing Applications

- 2.2. Write descriptions that use concrete sensory details to present and support unified impressions of people, places, things or experiences.

Speaking Applications

- 2.1.1 Make brief narrative presentations.

Listening and Speaking Strategies

- 1.2 Connect and relate prior experiences, insights, and ideas to those of a speaker.

Key Words Or Terms:

law	right
legal documents	rule
protect	

Lesson Overview:

In this lesson, students are asked to examine how everything is related to the law and the importance of the law in our society. The lesson is intended to engage students in a lively and challenging discussion.

Lesson Objectives:

1. Understand that everything is connected in some way to the law.
2. Describe why studying the law is important.

Materials Needed:

Graphic Organizer Worksheet, “Connected to Law?”, page 13

Lesson Procedures:

1. The teacher leads a class discussion; What is a law? What is a right? Students brainstorm examples of each and classroom representatives list responses on the chalkboard or chart paper.

²⁴ The California Judicial Education for Youth Project acknowledges the Pennsylvania Bar Association and LEAP-Kids, Inc. as the original developers of this lesson. This lesson adapted with permission.

2. The teacher challenges the students with the statement, “Everything is connected to the law and that is why studying the law is so important.” Now I challenge you to identify examples of why this statement is correct or not correct. Each group brainstorms ideas about laws and rights. Think of situations that happen every day at home, school, and in the community. Think of things around your house with tags or labels. Students are organized into groups of 4-5; each group uses the Graphic Organizer Worksheet, “Connected to Law?” What is connected to law? What is not connected to law? After 10 minutes, each group selects a “reporter” to share conclusions with the class. A class composite of ideas becomes the basis for a lively discussion. Was the teacher’s challenge correct?

Lesson Evaluation:

Students write a reflective paragraph, “Laws are important”. Examples from their daily life are described; such as, what the family did last weekend, or on a vacation.

Extension Activities/Lessons:

1. What items might people carry in their wallets? Students create posters that illustrate the item, then write a sentence that describes how each item might be related to a law. The posters become a bulletin board.
2. Working in small groups, students scan a local newspaper for examples of situations that are “Connected to law”. Articles are cut out and pasted on paper. Captions describe the “connection”.
3. The class brainstorms a list of legal documents one could be required to have during a lifetime. Students work in pairs and research information about one of the legal documents. The teacher assigns the document so that all are covered, or there is a “drawing” for the title. What is it? Why is the document important? Why is connection to the law important? The findings (from dictionary, encyclopedia, Internet, oral interviews with family members) are written and illustrated and stapled together into a “booklet” for the classroom library area for all to learn and enjoy.
4. Read either of the literature recommendations aloud with the class and discuss how the individuals were able to overcome legal barriers to achieve their dreams.

Resources:

Print

Bridges, Ruby. *Through My Eyes*. New York, New York: Scholastic, 1999. Ruby Bridges tells of her experience as the first black child to attend a New Orleans public elementary school. Ms. Bridges incorporates what she remembers from her experience as a child and provides historical information about the civil rights movement.

Woolridge, Connie Nordhielm. *When Esther Morris Headed West: Women, Wyoming and the Right to Vote*. New York, New York: Holiday House, 2001. An inspiring story of how Esther Morris went west to win women the right to vote and hold office. She became the first woman in the United States to hold a public office: Justice of the Peace.

Non-print

American Bar Association, Division of Public Education, *Law Day*

<http://www.abanet.org/publiced/lawday/schools/lessons>

Extensive information available on a variety of law related topics. This section includes additional lessons available for studying the law such as contracts, how the law tries to ensure fairness, due process freedoms and dispute resolution.

California History-Social Science Course Model. Birth of a City.

<http://www.history.ctaponline.org/center/hsscm/index/cfm?PageKey=1203>

This 3-week unit addresses standard 3.4 Students examine the reason why we have rules and laws, the basic structure of the U.S. government, the functions of local government, the incorporation of a city, and the importance of civic participation. This resource is also useful for the lessons *Rules and Responsibilities: An Alien Approach to Law*, and *Society Dominoes*.

California History-Social Science Course Model. Symbols and Landmarks, National and Local.

<http://www.history.ctaponline.org/center/hsscm/index.cfm?PageKey=1220>

This 4-week unit helps students understand the role of rules and laws in our daily lives, and the basic structure of the United States government.

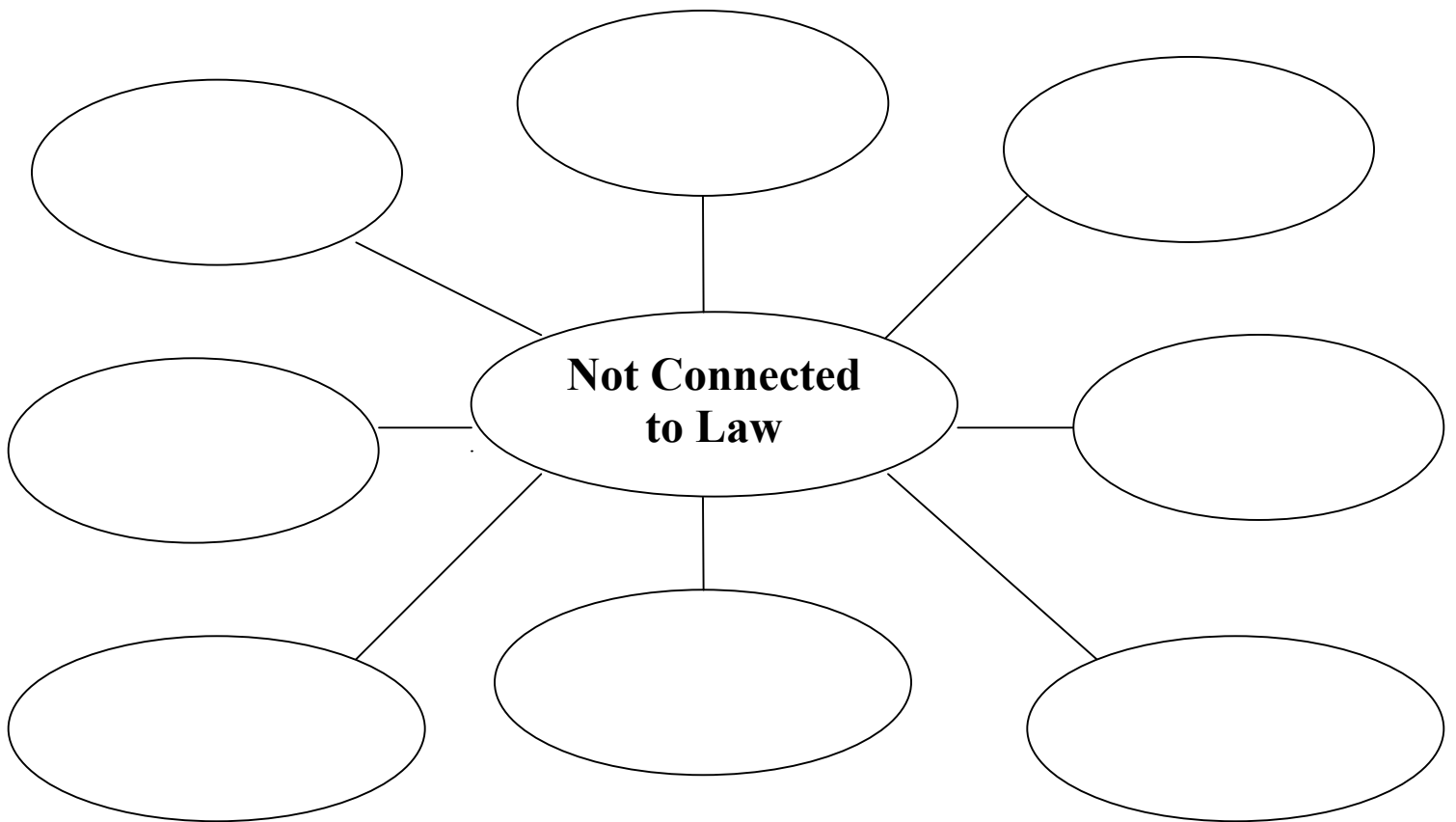
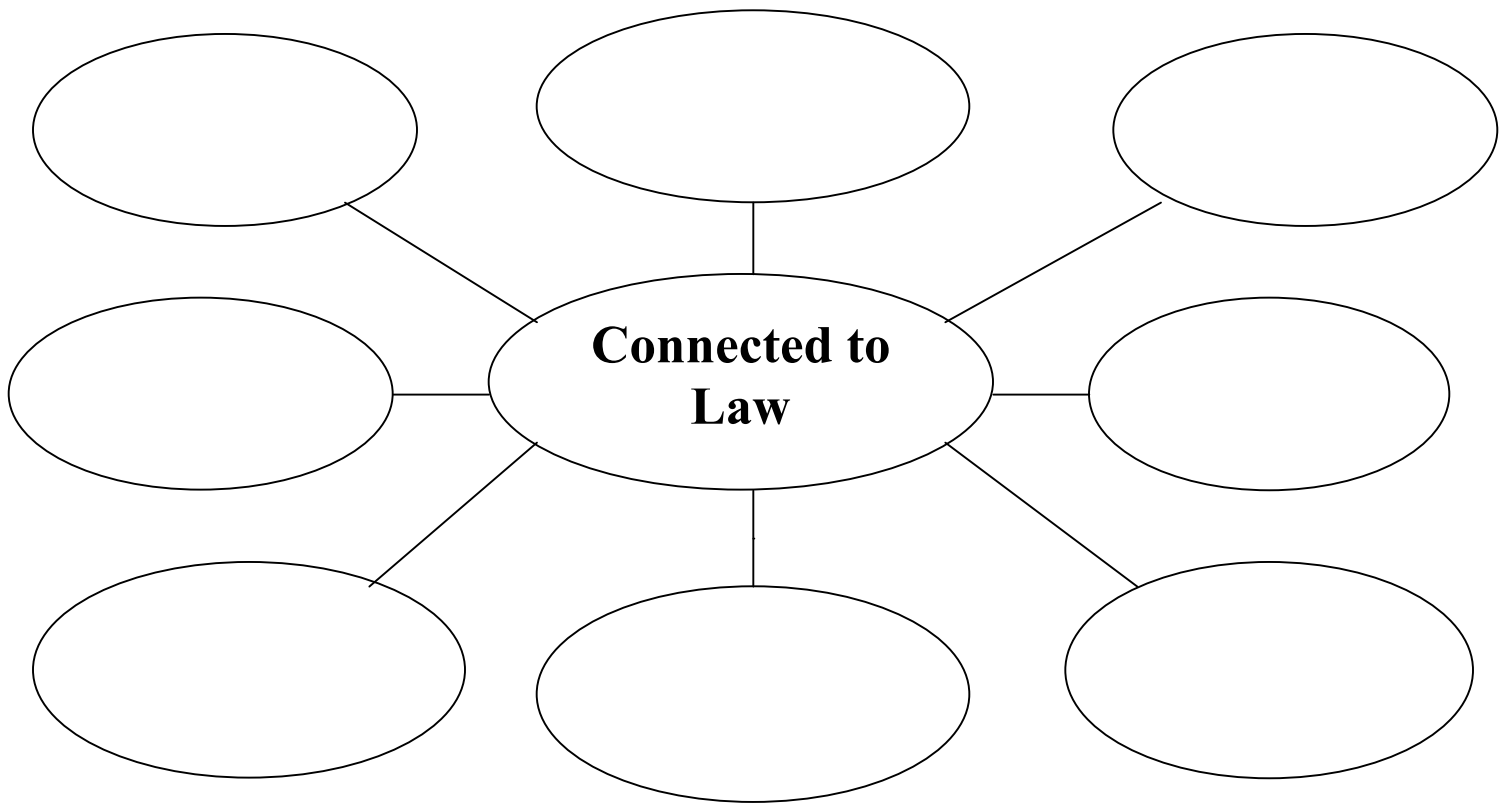
Pennsylvania Bar Association, *Law Day*

<http://www.pa-bar.org/lawdayinformation.shtml>

All of the Law Day guides have great law related education and civics lessons for use in grades K-12. Ideally, the teacher would have the assistance of a legal professional such as a judge or lawyer for these lessons, however, they can be adapted for teacher use.

National Standards for Civics and Government

Grades 1-4 Content I (E) Purposes of rules and laws. Students should be able to explain the purposes of rules and laws and why they are important in their classroom, school, community, state and nation.



Society Dominoes²⁵

Grade Level and Number of Class Periods:

Grade 3; two class periods

Alignment to California Standards:

1-6 History-Social Science Content Standards

3.4.1 Determine the reasons for rules, laws, and the Constitution; the role of citizenship in the promotion of rules and laws; and the consequences for people who violate rules and laws.

English-Language Arts Content Standards

Reading

1.0 Vocabulary and concept development

Writing applications

2.2 Write descriptions that use concrete sensory details to present and support unified impressions of people, places, things, or experiences.

Listening and speaking

1.5-1.8 Organization and delivery of oral communication

Speaking applications

2.1-2.3 Making brief narrative presentations

Key Words or Terms:

arrest	damages	justice	self control
community	graffiti	law	society
court	intentional	offender	victim
crime	judge	responsibility	willful
criminal	jury	right	

Lesson Overview:

The purpose of this lesson is to introduce students to the many victims of a crime, including the victim, the offender, families of the victim and offender, taxpayers, etc. The students role play characters in scenarios and relate feelings as scenes develop. Students use brainstorming and role playing strategies to increase vocabulary and understanding of the rights and responsibilities of citizens and their actions in society.

²⁵ This lesson was adapted from the “*Society Dominoes*” lesson created by Judy A. Nugent of Woodlawn Elementary School, Sebring Florida. “*Society Dominoes*” is made available by the Minnesota Center for Community Legal Education website called Civically Speaking, under the CRADLE lessons link at <http://www.ccle.fourh.umn.edu/lessons.html#CRADLE>

Lesson Objectives:

1. Explain law related vocabulary, and the rights and responsibilities of citizens.
2. Apply knowledge of law to law-related situations.
3. Explain cause-and-effect relationships.
4. Describe how laws affect the individual.

Materials Needed:

- index cards or sentence strips for name cards of characters in the Role Play Scenarios
 - Cards should have names of characters in the role play scenarios listed (one set of cards for each role play group): victim, parent of victim, brother or sister of victim, offender, parent of offender, brother or sister of offender, taxpayer in the community, law enforcement officer.
- Dominoes or other such blocks
- chalkboard or overhead projector
- copy of the “Society Dominoes” Worksheet for each student, page 19

Lesson Procedures:

1. The teacher arranges the dominoes on end, and near to each other on a display area so students can readily see the result of the domino effect once the first one falls. The teacher elicits a class discussion of the effects that objects have on each other. Carry the discussion over to persons.
Suggested discussion questions:
 - Do people’s actions have any effect on others?
 - Should we be allowed to do anything we want to do?
 - Do rules apply to everyone?
 - Why should we be concerned about others?

2. Depending on the size of the class, organize the class into two or three groups for a role play activity. Each group should have 6-10 students. Distribute index cards or sentence strips with names of role play characters on them, such as those listed under the “materials needed” section above.

Describe situations/scenarios readily understood by the students; such as 1)shoplifting, 2)painting graffiti on the walls of the school or a public building, and 3)finding a wallet (this example may be used to illustrate positive effects of an action). Assign a different scenario to each group.

3. Duplicate and distribute a “Society Dominoes” Worksheet, page 20 to each student. Also distribute to each group a set of the role play character index cards or sentence strips. Group members determine who will play each role. The group may determine that more or different characters are needed, in which case a student might assume more than one character. Each “character” reflects on the scenario and character and writes responses, in preparation for the role play, on their worksheet. Writing Applications, English-Language

Arts Content Standards 2.1-2.2, are followed. The group shares responses with each other, then plan the sequence of the role play.

4. The next day, each group performs their role play. A sequence of the performance might be as follows: The offender role plays the crime. (Student with the “offender card” will come to the front of the room and role play the crime, or the good deed.) The victim can then explain his/her feelings. The role playing situation can then include the arrest and the members of the families joining in the circle of involvement. The families and friends of the two main players can share their feelings (embarrassed, ashamed, afraid, rejected, shunned by others, etc.) The scene can then span out to the taxpayers who must pay the bill for the legal fees involved in all the law enforcement support required for the handling of this crime. A further circle of involvement would then include the rest of society. At the conclusion of the role play, each group “checks for understanding” of the audience by asking questions about their scenario. During the role play, the Listening and Speaking Strategies, and the Speaking Applications in the English-Language Arts Standards for Grade Three are followed.
5. The teacher leads a “grand discussion” about the student feelings and reactions to the role plays. Draw a diagram on the board or an overhead projector transparency to reinforce the “society domino” impact of actions. Students brainstorm the rationale behind laws, and rights and responsibilities of citizens. This discussion can serve as a review for vocabulary words and concepts presented.

Lesson Evaluation:

Students apply what they have learned from the discussion and role play activities through a written response to a scenario, “The offender rides his bike through an intersection directing into the path of a pedestrian”. What is the “society domino” effect on the offender? On parents of the offender? On the victim? On parents of the victim? On the community?

Extension Activities/Lessons:

1. Invite a guest speaker to illustrate different perspectives on shoplifting. Speakers could include a businessperson, a judge or law enforcement officer. Follow up with a question/answer period. Students write “thank-you” notes to the visitor, and include information about what they have learned.
2. Students visit the *Law for Kids.Org* website described below. Working in small groups, students are assigned to read a minor’s story from the website and discuss their reaction to the story. Do they think what the minor did was wrong? Why or why not? Do they agree with the punishment the minor received?

3. Complete the *Why do we Need Authority* lesson provided on-line by the Center for Civic Education described in the Resources section below.

Resources:

Print

Eagan, Tim. *The Blunder of the Rouges*. Boston, Massachusetts: Houghton Mifflin Company, 2002. The Rouges are a “shamefully poor bowling team” comprised of four animal characters who turn to a life of crime because they are “no good at anything else” and find out quickly that crime doesn’t pay.

Flanagan, Alice K. *Officer Brown Keeps Neighborhoods Safe*. New York, New York: Children’s Press, 1998. Introduces a female deputy chief of the Hartford, Connecticut, police and discusses the things she is expected to do in her job.

Woodson, Jacqueline. *Visiting Day*. New York, New York: Scholastic Incorporated, 2002. A young girl prepares to visit her father in prison, while the father also prepares for the joyous reunion. By focusing on the unconditional love of family, the story addresses a difficult subject effectively.

Non-print

Arizona Foundation for Legal Services and Education, *Law for Kids.Org*
<http://www.lawforkids.org>

Aimed at delinquency prevention, this site includes many activities designed to promote lawful behavior. Students can read or listen to stories of minors involved in delinquent behavior in the minor’s own words. Students also have the opportunity to comment on the stories. Other areas of the site include cartoons showing different situations where kids learn about the consequences of violating a rule or law, a virtual tour of a juvenile detention facility and key legal documents such as the US Constitution and Bill of Rights in searchable format.

Center for Civic Education, *Why Do We Need Authority?*
http://www.civiced.org/fod_elem_auth02_sb.html

Students learn why authority in society is important and some uses of authority. Students, with teacher support for third graders, examine a situation in which there is no effective authority and identify problems, which the lack of authority creates.

The Guidance Channel, The Bureau for At Risk Youth, *THINK FIRST! Teaching Kids About Consequences*. Through this video, kids learn about the importance of thinking about consequences of their actions and how to avoid negative and destructive behaviors.

United States Department of Justice, *Justice for Kids and Youth home page*,
<<http://www.usdoj.gov/kidspage/>>

For K-5 grades, the most useful sections include getting involved with crime prevention, an FBI link and inside the federal courtroom.

National Standards for Civics and Government

Grades 1-4 Content I (E) Purposes of rules and laws. Students should be able to explain the purposes of rules and laws and why they are important in their classroom, school, community, state and nation.

Worksheet

“Society Dominoes”

Role Play Scenario:

Name and description of character:

What character is thinking:

What character did:

How thoughts and actions of the character had a “domino effect” on others:

Cheating²⁶

Grade level and number of class periods:

Grade 3, 2-3 class periods

Alignment to California Standards:

1-7 History-Social Science Content Standards

- 3.4.2 Discuss the importance of public virtue and the role of citizens, including how to participate in a classroom, in the community, and in civic life.

English-Language Arts Content Standards

Word Analysis, Fluency, and Systematic Vocabulary Development

- 1.7 Use a dictionary to learn the meaning and other features of unknown words.

Literary Response and Analysis

- 3.2 Comprehend basic plots of classic fairy tales, myths, folktales, legends, and fables from around the world.
- 3.3 Determine what characters are like by what they say or do and by how the author or illustrator portrays them.

Writing Strategies

- 1.1 Create a single paragraph that develops a topic sentence and includes simple supporting facts and details.

Writing Applications

- 2.2 Write descriptions that use concrete sensory details to present and support unified impressions of people, places, things, or experiences.

Listening and Speaking Strategies

- 1.3 Respond to questions with appropriate elaboration.
- 1.8 Clarify and enhance oral presentations through the use of appropriate props (e.g., objects, pictures, charts).

Key Words Or Terms:

cheating	misrepresent	theft
dishonesty	plagiarize	truth
fraud	steal	trustworthiness
lie		

Lesson Overview:

Various approaches are used to explore the concept of cheating and how it diminishes a person's trustworthiness. The video "Cheating, Lying and Dishonesty" can be used to frame the basis for discussion. Questions such as why students cheat and the consequences of cheating are explored. Relations are made regarding why dishonesty and cheating can lead to disputes and harm to others. This lesson paves the way for reasons why others are called in to resolve

²⁶ The California Judicial Education for Youth Project acknowledges the Texas Young Lawyers Association and the State Bar of Texas Law Related Education Department as the original developers of this lesson. This lesson adapted with permission.

disputes—teacher, principal, a judge. Why are laws beneficial when situations of dishonesty or cheating occur?

Lesson Objectives:

1. Understand what is meant by the word “cheating”.
2. Explore reasons why students might cheat.
3. Understand the effects of cheating on oneself and to the learning environment.
4. Learn societal consequences of cheating in the adult world.
5. Analyze the appropriateness of consequences resulting from cheating.

Materials Needed:

- Dictionaries
- Worksheet, “Why or Why Not Cheat”, page 26
- Five pieces of chart paper

Lesson Procedures:

1. The teacher asks the class, “What is cheating? List the Key Words or Terms for the lesson on the chalkboard or on an overhead transparency. The teacher assigns each term to one or two students and explains, “Look up the definition in a dictionary. Then write a sentence and give an example of a situation with your term.” Students share their definitions and examples. An understanding of the vocabulary is important to the lesson.
2. Organize the students into five groups. Provide each group with a scenario; an example of cheating. Each group role-plays in pantomime the example of cheating. The rest of the class “guesses” the example.

Scenarios:

- Presenting another’s work as his or her own
 - Use of a crib/cheat sheet or notes when not permitted
 - Copying from another’s work during a test
 - Permitting another to cheat off his or her work
 - Stealing a test
3. After asking the students the question, “Why might a student cheat?” record responses on the chalkboard.

Students remain in their groups and each group ranks, from 1 to 5 (with 1 being the most common), the five most common reasons why students might cheat. After they have completed their lists, ask the students to think of reasons why students should not cheat. Their responses are recorded on the Worksheet, “Why, or Why Not Cheat?”, page 26.

Give each group a piece of chart paper. Ask the group to come to consensus and write down their Number 1 reason why students should not cheat. Who is hurt (jeopardized) when one cheats? The group also pastes the completed worksheet on the chart paper. The charts are posted on the classroom wall. One student from each group is selected to stand by the chart and respond to questions from classmates. After all groups have had time to complete this task, allow the students to rotate around the room, read the charts, and ask questions about the group rankings.

4. After the students have reviewed all the reasons for cheating and the reasons not to cheat have the students vote as a class for the best reasons why students should not cheat. They should be able to defend their choice.
5. Is there a school policy about cheating? If so, what are the consequences for violation? Are the consequences fair and appropriate? Students review the "Class Rules" or Constitution developed during the lesson, "Rules and Responsibilities: An Alien Approach to Law". Was a rule about cheating included? If not, discuss the importance of including this rule.
6. Who is hurt when one cheats? Is punishment for cheating fair and appropriate? Students continue working in their group and are assigned one of the following scenarios for punishment or consequences for cheating. Under what circumstances might the punishment be fair and appropriate?

Scenarios:

- Immediate referral to school principal
- Referral becomes part of the student's personal record
- Item on which the student cheated (test or homework assignment) may be given zero credit to be averaged into his or her grade
- Repeat cheaters may have to retake the class the following year
- In-school suspension or expulsion from school

Each group selects a reporter who shares the scenario and the group conclusions regarding circumstances where the punishment would be fair and appropriate. The group entertains questions from the class.

7. The teacher leads a "grand discussion". What are the effects of cheating?
Among the topics for discussion are:

1-8 How will the cheater ever learn if he/she cheats his/her way through school?

1-9 Does cheating create an unfair advantage for the cheater?

Who wants to play with someone who cheats?

8. Why might kids cheat? Students continue working in their small groups; each group is assigned one of the following scenarios. After group discussion, each student does a "quick-write" about the scenario and includes ideas for turning a cheater into one who is honest and trustworthy.
 - Kids might not understand that it is wrong to cheat.

- It is easier to cheat than to take the time to learn, and “won’t get caught”.
- A kid may need help learning how to study.
- The work may be too difficult.
- A kid may be receiving too much pressure from parents or teacher.

After the quick-write, students are reorganized so that one child from each group forms a new group. Students in the new group share their quick-writes.

9. The teacher explains that there are criminal/civil penalties for cheating. Certain types of cheating acts are crimes (e.g., tax evasion, perjury, copyright violation) and could result in criminal conviction or jail. There are also civil penalties for cheating (e.g., fraudulent transfer of funds, hiding assets, stealing money from the company.) In these cases a judge or jury determines if the person is guilty; then the judge determines the penalty/punishment.

The teacher reads examples of cheating that are relevant to the students. After each example, a discussion is held. Which of the Key Words and Terms is exemplified? Is the punishment fair and appropriate? Why or why not?

- a. Julie needs an additional \$10 to buy a new pair of skates for the skating party on Friday. She tries to collect her allowance early by telling her parents that she has completed her chores when she really has not. Her parents quickly discover the truth and ground her from the skating party all together.
- b. Tony does not want to spend the time required in the library to complete his homework assignment to write an essay on the U.S. President. Instead, he checks only the Internet and finds an essay written by someone else. The following day, he turns in the essay to his teacher, claiming it to be his own. His teacher recognizes the plagiarized essay as belonging to someone else and gives Tony a zero on the assignment.

Lesson Evaluation:

Students write a multi-paragraph essay on the following quote of John Addams, father of Jane Addams:

“Be honest with yourself above all else.”

The essay should include an understanding of terms; such as honesty, trust, trustworthiness, cheating, and reasons for their conclusion about the quotation based on the lessons.

Extension Activities/Lessons:

1. Select one of the literature recommendations to read aloud to the class as a springboard for further discussions about honesty, trustworthiness and responsibility. For example, why did June B. think that copying someone’s homework was different from cheating? What did she learn through her experience?

2. Fables, fairy tales, and folktales are excellent ways to portray character traits. Many pertain to honesty, trust and truth, as well as opposite characteristics such as cheating, fraud and deceit. Examples include *Pinocchio*, *Goldilocks and the Three Bears*, *The Tortoise and the Hare*, *Aesop's Fables*, the many tales of Brer Rabbit, and folktales from various cultures. The teacher reads one selection to the class during Read-Aloud time.

On the next visit to the school library, each student identifies a book where these character traits are exemplified, checks it out, and writes a book report where the character traits honesty, trust and truth are identified with examples from the story. The book reports are bound together for the classroom library area where other students can read the reports.

3. Use the *Role Models* website below for an essay project on character. Students can work in groups or individually to complete research on one of the listed role models or one approved by the teacher. The questions in the website study guide can be used to frame the issues for the essay.
4. Assign each student a word to research from the *Character Works!* website. After reviewing the definition and completing some research, students write a poem that explains what their assigned word means to them.

Resources:

Print

Berenstain, Jan and Stan Berenstain. *The Berenstain Bears and the Truth*. New York, New York: Random House, 1983. Brother and Sister Bear break their Mama's favorite lamp and find themselves telling bigger and bigger lies until Papa steps in to help.

Park, Barbara. *Junie B., First Grader: Cheater Pants*. New York, New York: Random House, 2003. Junie B. Jones learns some things about cheating and making good choices.

Hale, Bruce. *Trouble is My Beeswax: A Chet Gecko Mystery*. San Diego, California: Harcourt Children's Books, A Division of Harcourt Trade Publishers, 2003. Chet investigates a possible cheating ring at Emerson Hicky Elementary School.

McKissack, Patricia C. *The Honest-to-Goodness Truth*. New York, New York: Atheneum Books for Young Readers, Simon and Schuster, 2000. Libby learns that although lies are wrong, truthfulness carried to the extreme can also cause negative consequences.

Non-print

Character Works! *Character Education Resources for K-5 Grade*

<http://www.characterworks.com/elementary.html>

Students select a word that they would like to explore related to character such as accountability, honesty, trust or courage. A definition of the word appears at the top of the page, followed by at least two choices of “characters” to research. The characters are a mix of real and imagined. For example the characters under “honesty” include George Washington, Abraham Lincoln and Pinocchio. Research links are included under each. Although some links are outdated, the layout of this site provides an excellent starting point for student research.

Role Models on the Web

www.rolemodel.net

Site seeks to provide information about role models in our society to youths and young adults to inspire them to make good life choices. A list of role models is provided as well as a role model of the month. Clicking on a name takes you to a summary of the person’s life and accomplishments. A study guide for teachers is provided which gives two different assignment options: list of questions that could be used to study a specific role model from the site (or anyone considered a role model) or a school survey to determine what the students think the term “role model” means.

The Guidance Channel, The Bureau for At Risk Youth, *Cheating, Lying and Dishonesty*. This 20 minute video is directed at elementary students grades K-6. Its purpose is to help kids understand that the fear of failure is at the root of cheating and other dishonest behavior.

National Standards for Civics and Government

Grades 1-4 Content II (B) Distinctive characteristics of American Society.

Students should be able to identify some important beliefs commonly held by Americans about themselves and their government.

WORKSHEET
“Why or Why Not Cheat”

Why students might cheat	Why students should not cheat
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.

The Ugly Duckling: A Discussion of Human Rights²⁷

1-10

Grade Level and Number of Class Periods:

Grade three; one class period

Alignment to California Standards:

History-Social Science

- 3.4.2 Discuss the importance of public virtue and the role of citizens, including how to participate in a classroom, in the community, and in civic life; *and*
- 3.4.3 Describe the lives of American heroes who took risks to secure our freedoms.

English-Language Arts

Literary Response and Analysis

- 3.2 Comprehend basic plots of classic fairy tales, myths, folk tales, legends, and fables from around the world.
- 3.3 Determine what characters are like by what they say or do and by how the author or illustrator portrays them.

Writing Applications

- 2.2 Write descriptions that use concrete sensory details to present and support unified impressions of people, places, things, or experiences.

Key Words or Terms:

citizen	equality	human rights
citizenship	fairness	public virtue
civil rights	judgments	respect
discriminate	justice	

Lesson Overview:

This lesson is based on the book “The Ugly Duckling” by Hans Christian Anderson. The lesson starts with the teacher reading the story to the students and includes class discussions about the issues of prejudice and discrimination presented. Students reinforce what they learned through completion of a vocabulary worksheet.

Lesson Objectives:

1. Explain concepts that are important in a democratic society and in the judicial system; such as equality, justice, fairness and respect.

1-1 ²⁷ This lesson was adapted from the “*The Ugly Duckling: A Discussion of Human Rights*” lesson created by Susan Anne Rash of Syringa Elementary School, Pocatello, ID. “*The Ugly Duckling*” is made available by the Minnesota Center for Community Legal Education website called *Civically Speaking*, under the CRADLE lessons link at <http://www.ccle.fourh.umn.edu/lessons.html#CRADLE>

2. Identify where these concepts were applied, or not applied in a piece of literature, such as *The Ugly Duckling*.
3. Apply these concepts to other situations—in the classroom, in the community, in society, and in literature.

Materials Needed:

- *The Ugly Duckling* by Hans Christian Anderson. The story may be presented by reading the book, using a feltboard story, a film, or pictures on an overhead projector.
- student copies of Worksheet, “The Ugly Duckling: A Discussion of Human Rights”, page 31.

Lesson Procedures:

1. The teacher reads or tells the story, then leads a class discussion about *The Ugly Duckling*, for example:

At the beginning of the story, how did the cygnet feel?

- Have you ever felt this way?
- Have you felt alone because other children would not play with you?
- Have others ever laughed at you, called you names, or hurt you? How did you feel?
- How should the other animals have treated the cygnet, and why

NOTE: If students have not had opportunities to visit a zoo or parks where ducks and swans live, then a picture book of animals from the library can serve to illustrate the birds.

2. Introduce the Key Words or Terms listed at the beginning of this lesson. Duplicate copies of the Worksheet for The Ugly Duckling, A Discussion of Human Rights, page 31, for each student, and lead a classroom discussion of the definitions for each term in column one. Each student writes, in **column two**, an example of that term from *The Ugly Duckling*. The students then meet in pairs, or groups of three and share with each other their examples. Do they agree with their findings?
3. In conclusion, the teacher leads a class discussion:
 - Were the barnyard animals good citizens? Why or why not?
 - Were the animals fair? Respectful? Provide examples.
 - Should they have treated the cygnet the same or equal, even though he was different? Why, or why not?
 - How could the beginning of the story be rewritten to show respect, fairness, justice, and citizenship?

Lesson Evaluation:

Students apply their understanding of the Key Words or Terms. In **column three** of the Worksheet, students write examples of incidences they have seen, felt, or read about, for each term.

Extension Activities/Lessons:

1. Students make their own illustrated book of the story on a piece of 8 _ inch by 11 inch piece of paper that is folded in quarters.
2. Students draw on one side of a piece of paper a picture of the Ugly Duckling when he was treated unjustly. On the other side draw him when he becomes a swan and becomes "equal."
3. Students extend their understanding of civil rights, citizenship, respect, and justice by reading a piece of literature and writing a book report regarding these concepts. Literature recommendations include:
Chrysanthemum
Young Rosa Parks: Civil Rights Heroine
Martin Luther King, Jr.
Young Jackie Robinson: Baseball Hero
The book report includes an explanation of how the terms studied in The Ugly Duckling are displayed in the story.
4. The class starts a "No Put-Downs" Campaign. Each day starts with a pledge, "Hands and Words Are Not for Hurting". Posters that are illustrated with the pledge, and the universal "NO" symbol (a circle with a slash through it) with the words "Put-Downs" in the center are made for the classroom, the hallway, the school library, and the assembly/cafeteria area. The class serves as role models for the remainder of the school. During weekly "Class Meetings", progress on the "No Put-Downs" Campaign is discussed. This is recommended as a year-long project.

Resources:

Print

Benjamin, Anne. *Young Rosa Parks: Civil Rights Heroine*. Mahwah, New Jersey: Troll Communications, 1996. When she was young, Rosa learned to respect all people. When she grew up, she became an active civil rights worker. Her refusal to give up her seat on a bus to a white person led to a Supreme Court decision against segregation.

Bray, Rosemary. *Martin Luther King, Jr.* New York, New York: Greenwillow, 1995. This biography of a courageous man who fought for civil rights is very approachable for third graders.

Cohn, Amy. *From Sea to Shining Sea A Treasury of American Folk Songs*. New York, New York: Scholastic, 1993. Folk songs, folklore, poetry and more emphasize American diversity, including Native Americans, African Americans and Hispanic Americans.

Farrell, Edward. *Young Jackie Robinson: Baseball Hero*. Mahwah, New Jersey: Troll Communications, 1992. Jackie had to face racial prejudice at an early age and decided to fight prejudice by becoming the best athlete he could be and became the first black man in major-league baseball.

Henkes, Kevin. *Chrysanthemum*. New York, New York: Mulberry Books, An Imprint of William Morrow and Co., 1996. Chrysanthemum the mouse loves her name until she starts school where she suffers mean spirited teasing from her classmates.

Spier, Peter. *People*. New York, New York: Doubleday, Reprint Edition, 1998. The diversity of people around the world is illustrated and explained, with an emphasis on celebration of our differences.

Non-Print

Civilrights.org, *Research Center, Strategies, Kids*

http://www.civilrights.org/research_center/children.html

Provides strategies directed at children for fighting hate and prejudice, including educational information, ideas for volunteering, and ways to take action.

The Guidance Channel, The Bureau for At Risk Youth, *ALL TOGETHER! A Celebration of Diversity*. Jonathan Geffner and his puppets explore prejudice as well as positive character traits such as respect and compassion (video).

Tolerance.org, *Planet Tolerance*

<http://www.tolerance.org/pt/index.html>

Tolerance.org is a project of the Southern Poverty Law Center. Devoted to promoting tolerance and replacing hate with communities that value diversity, this site has resources for teachers and kids. The *Planet Tolerance* page includes stories that children can read which promote diversity, including the story of Luis Brandeis, the first Jewish U.S. Supreme Court Justice. The Civil Rights Memorial link includes a wheel of dates linked to descriptions of key events in the civil rights movement.

National Standards for Civics and Government

Grades 1-4 Content II (D) Diversity in American society. Students should be able to describe diversity in the United States and identify its benefits.

WORKSHEET, *THE UGLY DUCKLING*: A DISCUSSION OF HUMAN RIGHTS

Definition of term	Column Two Example from <i>The Ugly Duckling</i>	Column Three Example that I have seen, felt, or read about.
<i>Citizen-a member of a state who owes loyalty to a government and is entitled to protection from it.</i>		
<i>Citizenship-the quality of an individuals response to membership in a community.</i>		
<i>Civil rights-fundamental rights belonging to every member of society.</i>		
<i>Equality-the same in importance and deserving the same treatment.</i>		
<i>Fairness-treating someone in a way that is right or reasonable.</i>		
<i>Human rights-basic rights and freedoms assumed to belong to all people everywhere.</i>		
<i>Judgment- to form give or have as an opinion, or to decide about something or someone, especially after thinking carefully.</i>		
<i>Justice- the quality of being just, impartial or fair.</i>		
<i>Public virtue- dedication to the common good even at the cost of individual interests.</i>		
<i>Respect- to treat something or someone with kindness and care; to accept someone's rights and customs and do nothing to cause them offense.</i>		

Exploring Citizenship

Grade Level and Number of Class Periods:

1-11 Grade 3; 3 class periods

Alignment to California Standards:

1-12 History-Social Science Content Standards

- 3.4.2 Discuss the importance of public virtue and the role of citizens, including how to participate in a classroom, in the community, and in civic life.
- 3.4.6 Describe the lives of American heroes who took risks to secure our freedoms (e.g., Anne Hutchinson, Benjamin Franklin, Thomas Jefferson, Abraham Lincoln, Frederick Douglass, Harriet Tubman, Martin Luther King, Jr.).

English-Language Arts Content Standards

Vocabulary and Concept Development

- 1.7 Use a dictionary to learn the meaning and other features of unknown words.

Writing Applications

- 2.2 Write descriptions that use concrete sensory details to present and support unified impressions of people, places, things, or experiences.

Key Words Or Terms:

Bill of Rights	community service	personal responsibility
caring	environment	respect
character traits	fairness	responsibility
citizen	freedom of religion	trustworthiness
citizenship	freedom of speech	voluntarism
civic responsibility	jury duty	vote
civic virtue	justice	U.S. Constitution

Lesson Overview:

This lesson is based on citizenship information from the *National Standards for Civics and Government*²⁸ and the six democratic traits identified by Congress when funding states for the development of Character Education models—caring, civic virtue and citizenship, justice and fairness, respect, responsibility, and trustworthiness. Students are actively engaged by playing a Charades like game of rights and responsibilities, conducting research and oral interviews and participate in small group and individual activities to learn about and reinforce their understanding of what it means to be a United States citizen.

²⁸ Center for Civic Education, *National Standards for Civics and Government*. Calabasas, California: Center for Civic Education, 2003, pages 35-40.

Lesson Objectives:

1. Explain the rights and responsibilities of American citizenship.
2. Describe the character traits of good citizenship.
3. Participate in activities that promote good citizenship.

Materials Needed:

- dictionaries
- student copies of Worksheet, "What is an American Citizen?", page 40
- access to the library and local newspapers for information about people who volunteer
- access to a U.S. Constitution and Bill of Rights

Lesson Procedures:

1. Introduce the lesson with a Key Words or Terms investigation. Assign a term to each student for investigation. Students use a dictionary or encyclopedia for information, then make a concise presentation to the class regarding their term. (NOTE: Understanding the terms are important for the lesson, "Exploring Citizenship". If the terms are already understood by the students, then continue below.)
2. The lesson procedures begin with a homework assignment where the student discusses questions with family members and provides responses on the Worksheet, An American Citizen, page 40. What is an American citizen? What character traits should a citizen have? What are some rights of American citizens? What are some responsibilities? Who are some volunteers in our community and how do they make our place a better one for all? (NOTE: Responses for community volunteers can include service organizations such as Rotary, Lions, Soroptimists; non-profit organizations such as Salvation Army, St. Vincent De Paul; homeless shelters; groups to improve the environment; and individuals who have made a difference in the lives of others now or in the past.)

The next day, students meet in small groups and share the information on their worksheets. Next to each response the student places a

- "1" for a response that others in the group found out about; a
 - "2" for a response that is original; and a
 - "3" for a response that needs further research.
3. The teacher leads a classroom discussion about the homework assignment, "An American Citizen". If the U.S. Constitution and Bill of Rights has not yet been discussed, then an overview of each is important to the discussion. If students have an understanding of these documents, then a brief review can set the stage for the discussion.

Each group reports on the responses to the homework assignment that got a "1". The teacher can guide the discussion to address other points. Research

for responses with a “3” in the previous lesson procedure is done. Students can add to their Worksheet, as needed.

4. Students brainstorm “rights” and “responsibilities of citizens. All responses are listed on a chart or chalkboard. The teacher numbers each response. From a paper sack each student draws a number, and keeps it a secret. Students take turns pantomiming their right or responsibility, like the game “Charades”. Students guess the pantomime. Is it a right or responsibility?

- What rights do we have as American citizens? This list can be extensive and varied. Examples include rights provided by *the* First Amendment such as freedom of speech, freedom of religion, freedom of the press. Examples of protections that insure court proceedings are fair include the right to counsel and a speedy and just public trial in criminal cases (Sixth Amendment), right to jury trial in criminal and civil cases (Sixth and Seventh Amendments) and the protection against cruel and unusual punishment (Eighth Amendment). Besides these specific legal rights American citizens have other rights that citizens of other countries may not. These include
 - traveling unrestricted from place to place,
 - making our own choices as to what our political beliefs are,
 - voicing an opinion in writing or through speech on an issue,
 - deciding who we want to vote for,
 - choosing a place for worship or not worship at all,
 - serving in public office,
 - rights to a free education, and
 - choosing a career and where we want to live.
- What personal responsibilities do we have? Ask students to think of responsibilities at home such as getting ready for school, doing homework, taking care of themselves and keeping their room or space at home clean and neat, doing chores, helping their family and following family rules and taking care of pets.

What are responsibilities at school? Responses can include following the rules, helping friends and classmates, keeping care of my possessions and materials, completing lessons, participate in class discussions, do research, respect authority.

What are responsibilities as a citizen of our community? Responses can include

- being informed about issues, studying candidates and their platforms,
- registering to vote,
- voting in state and local elections,
- serving on a jury in the local court,
- paying taxes,

- helping those in need,
- helping my neighbor,
- working on projects that help the environment,
- serving in public office such as mayor, city council, school board, grand jury, other commissions,
- participating in a service organization that helps the community (e.g. Rotary, Lions, Soroptimists, Boy or Girl Scouts) ,
- participating in an organization dedicated to helping those in need,
- keeping my property clean and neat so that the community is well presented.

What are responsibilities as a citizen of our nation?

- keeping informed of issues through newspapers, news magazines, and tv news programs,
- registering to vote and voting in national elections,
- serving on federal juries, if called,
- writing to those in the government regarding my opinions on issues,
- serving on committees that promote issues to make our nation a better place,
- serving in the U.S. military.

5. What are examples of good citizenship? Ask students to list contributions by specific individuals. Responses can include:

- those who fought for social justice by seeking changes in laws that denied freedoms to large groups of persons (examples might include Martin Luther King Jr., Rosa Parks);
- exemplary leadership demonstrated by persons in positions of authority (such as John Marshall, George Washington, Abraham Lincoln);
- leadership taken by an ordinary person in order to make life better for others (such as Cesar Chavez, Dolores Huerta)
- efforts by community groups to solve community problems such as poverty, hunger, homelessness, activities for youth, and the environment; and
- everyday acts of kindness they have performed or they have seen in others.

6. The teacher divides the class into small groups. Each group is assigned a different aspect of citizenship for discussion. These include:

- do your share to make your community better through voluntarism
- stay informed
- vote
- be a good neighbor
- obey laws and rules
- respect authority
- protect the environment
- take part in local government

Each group spends 15 minutes discussing the question “How would you encourage all American citizens to ____; and what are their expectations in that role?” (fill in the blank with one of the above).

7. The student groups create a theme poster to illustrate their citizenship recommendations. The posters can include drawings, pictures from magazines, newspaper headlines reporting on an example of good citizenship etc. Student groups present their poster and citizenship recommendations to the class.
8. Teacher summarizes the student recommendations on the board. The teacher asks for a show of hands as to which recommendations the students think should be adopted by the class as citizenship goals for the year. Those are selected and the associated posters are displayed around the room. Plans for meeting these goals are discussed and confirmed. The citizenship are checked periodically during the year. How are we meeting the goals?

Lesson Evaluation:

Students read (or the teacher reads aloud) the story of *Hannah’s Cold Winter* or *Just a Dream*. Students then write a two-paragraph essay answering the question “How did the character(s) in the story show good citizenship?”

Extension Activities/Lessons:

1. Plan a classroom or school-wide celebration for Citizenship Day, celebrated September 17th, in recognition of the signing of the Constitution on September 17 1787. Activities could include decorating the room with student created artwork celebrating symbols of American freedom, conducting skits about freedoms and responsibilities, planning a school assembly. The September 2002 issue of AppleSeeds, *Celebrating Citizenship*, listed in the print section of Resources below has additional ideas for Citizenship Day on pages 12-13.
2. What is voluntarism? Students initiate a class project that enhances their school or local community. The class brainstorms a list of problems that need to be addressed in their school or community. Many of the websites listed under the Resources section have information about how to initiate a community service project. Students conduct research to determine how the problem could be addressed. The research should include an Internet search of some of the websites listed below as well as others pertaining to community service, interviews with school and or community leaders and determining what steps need to be completed. If the problem is feasible for the students to resolve, such as the need for a canned food drive, initiation or expansion of a school recycling program, students should implement their idea. If the problem requires government action, such as a new stoplight near the school to increase safety, students should submit their research with a cover letter and recommendation to the appropriate agency. Additional ideas

for community improvement projects may be found in both the print and non-print sections of Resources below, such as *The Kids Guide to Social Action*.

3. What is a hero? Students brainstorm character traits that exemplify a hero/heroine. Persons are identified. These can be people in their family who have done something extraordinary, a person in the community, a person that they have read about in their textbooks or in literature. One source for “heroes” is the Giraffe Project website. Individually or in groups, students read stories of some of the heroes on the Giraffe Project website. The school librarian is a good source of information for biographies. Students then select a hero and respond to a series of questions. Why do they consider the person a hero? How did the person display good character? Who do they know in their classroom, school or community that is a hero and why?
4. The Oath, Promise, and Laws of the Boy Scouts and Girl Scouts of America are excellent sources for positive character traits. Each student selects one set and then explains how their behavior exemplifies the character trait. Worksheets for this activity are provided on pages 41-42.

Resources:

Print

Bennett, William J. *The Children's Book of Virtues*. New York, New York: Simon and Schuster, Inc., 1995. Through stories and poems from around the world, this book illustrates virtues such as courage, responsibility, compassion, honesty, etc. Provides a great read-aloud for teachers.

Bunting, Eve. *A Day's Work*. New York, New York: Clarion Books, 1994. Set in California, this story is about a newly arrived Mexican immigrant and his grandson. The story centers on the lessons the grandson learns from his grandfather about hard work and integrity.

Celebrating Citizenship, AppleSeeds. Peru, Illinois: Cobblestone Publishing, 2002. This issue includes a variety of articles and activities to help students understand the rights and responsibilities of citizenship, how people become citizens, stories of immigrants who became citizens and how to exercise good citizenship.

George, Jean Craighead. *My Side of the Mountain*. New York, New York: Puffin Books, Reissued 2001. Sam Gribble runs away from his home in the city to live off the land in the Catskill Mountains. Values such as courage and determination are emphasized.

Lewis, Barbara. *The Kids Guide to Social Action: How to Solve the Social Problems You Choose-And Turn Creative Thinking into Positive Action*. Minneapolis, Minnesota: Free Spirit Publishing, Revised Edition, 1998. Provides all kinds of information and resources for young people who want to

make positive changes in their community. Procedures for taking action are explained, such as how to write a letter to a government official and examples of projects undertaken by students are described. A great reference manual for the classroom or school library.

Marx, Trish. *Hannah's Cold Winter*. Minneapolis, Minnesota: Lerner Publishing Group, 1993. World War II wartime shortages in Budapest threaten everyone, even the hippos. The community makes personal sacrifices to insure the hippos' survival.

Ray, Mary Lyn. *Pumpkins: A Story for a Field*. Voyager Books, 1996. A man is determined to save a nearby field from development. The value of conservation and the contributions one person can make are explored in this book.

Van Allsburg, Chris. *Just a Dream*. Boston, Massachusetts: Houghton Mifflin, 1990. A boy who behaves badly towards the environment by not recycling and littering has a dream about what the future will be like if everyone acted like he does. This dream causes him to change his ways.

Non-print

Character Counts! Coalition

www.charactercounts.org

National initiative to support character education. The six pillars of good character include trustworthiness, respect, responsibility, fairness, caring and citizenship. Resource recommendations to support each of these are included. The Free Teaching Tools section includes lesson plans and handouts, such as the "Kids for Character" Pledge.

Goodcharacter.com, *Opportunities for Action*

<http://www.goodcharacter.com/>

Includes a list of websites providing ideas for young people to get involved in their community and to become educated about social problems such as hunger and homelessness. One of the listed sites (idealist.org) includes information about solving community problems for kids, as well as descriptions of community based organizations started by kids, some as young as 9 years old.

Giraffe Project, *Heroes*

www.giraffe.org

This is a literature project focusing on people who display public virtue. The heroes page provides information about 800 real life heroes and their contributions to their local communities.

Kids Voting USA, *Students Only*

<http://www.kidsvotingusa.org/students/students.asp>

Designed by teachers, this site is intended to encourage students to vote and participate in other forms of civic engagement. *Students Only* page includes a

wish tree where students can enter their wish for our country, a constitution test and a list of resources relating to voting and informed citizenship.

ProTeacher, *The Constitution*

<http://www.proteacher.com/090037.shtml>

Extensive list of lessons to enhance student learning about Constitution and Bill of Rights. Lesson plans include *Real Life Rights* where students use creative forms of expression to communicate the Rights in the Bill of Rights, word searches, and lesson plans to create a classroom constitution.

Utah State Office of Education Character Education, *Kids Who Care*
www.usoe.kidut.us/curr/char_ed

Links to information supporting character education on the following topics:
Class Extensions, Online Activities, Improving Your Character, Lesson Plans,
Character Education Information, Social Action Projects and Community
Service.

National Standards for Civics and Government

Grades 1-4 Content V(C) Rights in the United States. Students should be able to explain why certain rights are important to the individual and to a democratic society.

Grades 1-4 Content V(D) Responsibilities of individuals. Students should be able to explain why certain responsibilities are important to themselves and their family, community, state and nation.

WORKSHEET

“WHAT IS AN AMERICAN CITIZEN?”

What is an American Citizen?

What character traits should a citizen have?

What groups or individuals volunteer in our community to make it a better place for all?
How do they help?

Rights of American citizens	Responsibilities of American citizens?

Worksheet

“Character Traits-Boy Scout Oath and Law”

The Boy Scout Oath
On my honor I will do my best
To do my duty to God and my country
And to obey the scout law;
To help other people at all times;
To keep myself physically strong,
Mentally awake, and morally straight.

<i>Character Trait</i>	<i>How my behavior shows this character trait</i>
<i>Trustworthy</i>	
<i>Loyal</i>	
<i>Helpful</i>	
<i>Friendly</i>	
<i>Courteous</i>	
<i>Kind</i>	
<i>Obedient</i>	
<i>Cheerful</i>	
<i>Thrifty</i>	
<i>Brave</i>	
<i>Clean</i>	
<i>Reverent</i>	

Worksheet

“Character Traits-Girl Scout Promise and Law”

The Girl Scout Promise
On my honor, I will try:
To serve God and my country,
To help people at all times
And to live by the Girl Scout Law.

<i>Character Trait</i>	<i>How my behavior shows this character trait</i>
<i>Honest</i>	
<i>Fair</i>	
<i>To help where I am needed</i>	
<i>Cheerful</i>	
<i>Friendly and considerate</i>	
<i>Sister to every Girl Scout</i>	
<i>Respect authority</i>	
<i>Use resources wisely</i>	
<i>Protect and improve the world around me</i>	
<i>Show respect for others through my words and actions</i>	

Symbols of Freedom and Democracy²⁹

Grade Level and Number of Class Periods:

Grade 3; 2 class periods

NOTE: This lesson can be accomplished at one time during the school year, or the symbols and terms can be sorted by the teacher and used at 2-3 times during the year. It is a good “rain or snow day” activity as the participation is very active. The Lesson Evaluation is a Language Arts lesson.

Alignment to California Standards:

1-13 History-Social Science Content Standards

- 3.4.3 Know the histories of important local and national landmarks, symbols, and essential documents that create a sense of community among citizens and exemplify cherished ideals (e.g., the U.S. flag, the bald eagle, the Statue of Liberty, the U.S. Constitution, the Declaration of Independence, the U.S. Capitol).

English-Language Arts

Writing Applications

- 2.2 Write descriptions that use concrete sensory details to present and support unified impressions of people, places, things, or experiences.

Speaking Applications

- 2.1 Make brief narrative presentations that:
- a. Provide a context for an incident that is the subject of the presentation
 - b. Provide insight into why the selected incident is memorable

Key Words Or Terms:

commemorate	ideals	national identity
democracy	landmark	sense of community
document	memorial	symbol
icon	monument	

Lesson Overview:

This lesson embraces icons, landmarks, significant people, important events, essential documents, songs and public artwork. Students engage in identification, research, and discussion of landmarks, and symbols of freedom and democracy in the United States, California, and their community. The lesson emphasizes those symbols that create a national identity and sense of community. The varied

²⁹ The California Judicial Education for Youth Project acknowledges the Pennsylvania Bar Association and LEAP-Kids, Inc. as the original developers of this lesson. This lesson adapted with permission.

activities include class participation in a lively guessing game designed to reinforce student interest and learning.

Lesson Objectives:

1. Reflect upon important events, people, symbols, and landmarks in one's life.
2. Research various sources for information about symbols of freedom and democracy.
3. Describe, using historical and civics context, symbols of freedom and democracy in the United States, California, and the community.
4. Understand the importance of landmarks and symbols to a society.

Materials Needed:

- Student access to dictionary, encyclopedia, textbook, library and Internet resources for student research of U.S. and California symbols and landmarks
- One copy per student of the Worksheet, "Symbols or Icons, Events, People, Documents, and Landmarks in My Life." (page 48)
- 5 by 8 cards for students to record research findings
- Teacher selected term(s) for each student for the research project (see pages 48-49).

Lesson Procedures:

1. The teacher leads a discussion about the significance of important times, people, places, and events in everyday life. Begin with student understanding of the Key Words or Terms. Students complete the Worksheet, "Symbols or Icons, Events, People, Documents, and Landmarks in My Life", page 49. How are these important to them and their family? How are they important in the classroom and at school? As a family, or as a school, how do these symbols create a "sense of community"? A sense of family or school identity? Individual responses on the worksheet might include:

- birth certificate,
- a relative or friend who did something special,
- a memorable place for a vacation or visit,
- a license or credential,
- the day that something special happened
- the day that someone got in trouble
- the first day of school,
- the class play,
- the school mascot,
- the teacher or principal,
- a community person who did something special for the school.

After students complete the Worksheet, a Grand Discussion is held and students share responses. All responses are worthwhile and acknowledged; however, the teacher may want to add additional ideas to the student lists. The discussion concludes with a consensus on which might be most important to us tomorrow, next year, and in ten years. Then, why are these situations important to you? Each student reflects on their responses and the Grand Discussion, then writes a paragraph,

“Why Symbols are Important to Me.” The writing, with the Worksheet, is shared with parents, either individually during “homework”, or during a special event such as Public Schools Week/Open House or Parent Conferences.

2. What is National Identity? There are numerous local and national landmarks, symbols, and essential documents that define who we are as a state and a nation and define who we are as a people. A suggested list is displayed on page 49. There are extra spaces for the teacher to identify local landmarks, events, and people that have been studied during the year. For this activity, the teacher provides each student with one or two topics for research. Also provided for each topic is a 5-inch by 8-inch card. The student researches the topic (for example; dictionary, encyclopedia, textbook, library, literature, Internet) and completes on one side of the card a written description of the term. On the reverse side, a picture or drawing of the term is provided. THE RESEARCH IS DONE IN SECRET SO THAT NO OTHER CLASSMATE KNOWS THEIR TOPIC.

NOTE: Numerous terms are suggested, and the teacher may have other terms to add based on field trips, local historic events, or literature read during the school year. Those listed are based on the History-Social Science Content Standards for Grades K-3 and the History-Social Science Framework.)

3. Students use their 5 x 8 inch cards to play Guess My Symbol. The class is divided into two teams. Taking turns, by team, each student takes their card and shows the picture or drawing side to the front of the class. Whichever team guesses it first, gets the “point”. If neither side identifies it correctly, then the student may need to give “clues” based on the researched description. After the term is identified by one of the teams, then the “researcher” reads the description to the class.

Lesson Evaluation:

Students write a short essay that explains, with examples, the following title: “*Symbols of Freedom and Democracy Are Important to Me and to Americans*”.

Extension Activities/Lessons:

1. What symbols and landmarks “identify” our community? Students work in groups of 4-5; each group creates a list with a rationale for the selections.. Each group selects a reporter and a class composite is created. (NOTE TO THE TEACHER: Ideas can include historic buildings, public art, monuments, a style of architecture, respected community leaders, heroes, an industry, the surrounding landscape, historic events, celebrations.)

Students write a Letter to the Editor of the local newspaper, “What This Community Means to Me”. Teacher selected samples are submitted to the Editor.

2. Students work in small groups, do research, then create and perform skits about key symbols. The skits convey essential information to the rest of the

class about the symbols. The *Symbols of America* and the *Uncle Sam and Old Glory* books described below in the Print Resources section are helpful for this activity.

3. Students write an “I Am” poem about their favorite America or California symbol. The poems are read aloud to the class, then bound together in a booklet for placement in the library for others to enjoy. Or, the poems can be written and illustrated on a poster and displayed in the classroom or hallway.
4. Select a patriotic holiday to celebrate as a class, using the resources found in the *Patriotism* website, Non-print Resources section.

Resources

Print

Lewis, Mack. *Symbols of America (Read Aloud Plays, Grades 4-8)*. New York, New York: Scholastic, 2003. Includes 10 read aloud plays, focusing on a different holiday, person or symbol.

Maestro, Betsy. *The Story of the Statue of Liberty*. Mulberry Books, An Imprint of William Morrow and Co., 1989. The essential elements of the statute’s history are told in simple text and large vivid illustrations.

Martin, Bill, Jr. and Michael Sampson. *I Pledge Allegiance*. Cambridge, Massachusetts: Candlewick Press, 2002. Explains the history and significance of each word in a child friendly format.

Rappaport, Doreen. *Martin’s Big Words; The Life of Dr. Martin Luther King, Jr.*, New York, New York: Jump at the Sun, Hyperion Books for Children, 2001. Provides an introduction to the life of Dr. King that mixes original text with quotes from his speeches.

Ryan, Pam Munoz. *The Flag We Love*. Watertown, Massachusetts: Charlesbridge Publishing, 2000. Tells the history of the American flag in verse, includes flag trivia as well as illustrations of various settings where the flag is prominently displayed.

Slate, Joseph. *The Great Big Wagon that Rang: How the Liberty Bell was Saved*. Tarrytown, New York: Marshall Cavendish Corporation, 2002. A farmer saves the Liberty Bell from the British soldiers by hiding it in his wagon.

Stevens, Carla. *Lily and Miss Liberty*. New York, New York. Scholastic, 1993. Young Lily Lafferty helps raise money to build Miss Liberty’s pedestal. The story includes the facts surrounding France’s gift to the United States.

Thomson, Sarah, L. *Stars and Stripes: The Story of the American Flag*. New York, New York: Harpercollins Juvenile Books, 2003. Provides the history of the American flag.

West, Delno C. and Jean M. West. *Uncle Sam and Old Glory, Symbols of America*. New York, New York: Atheneum Books for Young Readers, 2000. Through beautiful woodcut drawings and interesting narrative, the stories of fifteen of America's symbols are told.

Non-print

U.S. Government Printing Office, *Bens Guide to U.S. Government*

<http://bensguide.gpo.gov/3-5/symbols/index.html>

Links to information about major government buildings (U.S. Capitol, White House, Supreme Court), statues and memorials (Independence Hall, Lincoln Memorial, Washington Monument, etc.), symbols (American Flag, Uncle Sam, Great Seal etc.) and songs and oaths (America the Beautiful, Taps, Yankee Doodle, etc.) written at the 3rd-5th grade level.

Midge Frazel, *Patriotism*

<http://midgefrazel.net/patriotism.html>

Links to sites focusing on character education and patriotism. A variety of links are included, in a easy to follow format, addressing such topics as American Symbols, Presidents, Celebrating Patriotic Holidays, etc.

Pam Petty's Education Site

<http://www.pampetty.com/symbols.htm>

Pam Petty, of the Division of Literacy of Kentucky University compiled an extensive list of American symbols links that supplement those found on the *Ben's Guide to US Government* site.

National Standards for Civics and Government

Grades 1-4 Content II (C) American Identity. Students should be able to explain the importance of Americans sharing and supporting certain values, principles and beliefs.

WORKSHEET
“SYMBOLS OR ICONS, EVENTS, PEOPLE, DOCUMENTS, AND
LANDMARKS IN MY LIFE THAT CREATE A SENSE OF
COMMUNITY OR IDENTITY”

AT SCHOOL	WITH FAMILY
Symbols or icons	Symbols or icons
Events	Events
People	People
Documents	Documents
Landmarks	Landmarks
These are important to me because	These are important to me because

Landmarks and Symbols

United States	Holidays	California	Historical
American flag	Independence Day/4 th of July	California Bear Flag	Johnny Appleseed
“America” (the song)	Labor Day	Cesar E. Chavez	Clara Barton
“America the Beautiful” (the song)	Memorial Day	California Constitution	Christopher Columbus
Bald eagle	Thanksgiving Day	California poppy	Frederick Douglass
Declaration of Independence	Veterans Day	Walt Disney	Thomas Edison
“E Pluribus Unum”, the motto	Presidents Day	Golden Gate Bridge	Henry Ford
Great Seal of the United States	Columbus Day	Giant Sequoia	Martin Luther King Jr., “I Have a Dream”
Liberty Bell	Martin Luther King’s Birthday	Governor	Thomas Jefferson
Mount Rushmore	Cesar Chavez Day	Great Seal of the State of California	Abraham Lincoln, “The Gettysburg Address”
Pledge of Allegiance		Yosemite	Thurgood Marshall
President		Gold rush/miner	Sandra Day O’Connor
“Star Spangled Banner”, national anthem			Pocahontas
Statue of Liberty			John Smith
Supreme Court			Harriet Tubman
Supreme Court Chief Justice			George Washington
Uncle Sam			Noah Webster
United States Congress			Wilbur and Orville Wright
United States Constitution			
White House			
Bill of Rights			
Yankee Doodle			
The Mayflower			
Pilgrim			
Peace Pipe			
Log Cabin			
Buffalo			
Cowboy			
Smokey the Bear			

California Judicial Branch Education for Youth Project

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The California Gold Rush-Rules and Laws³⁰

Grade Level and Number of Class Periods:

Grade 4-, three class periods

Alignment to California Content Standards:

History-Social Science

- 4.3.3 Analyze the effects of the Gold Rush on settlements, daily life, politics, and the physical environment (e.g. using biographies of John Sutter, Mariano Guadalupe Vallejo, Louise Clapp)

English-Language Arts

Literary Response and Analysis

- 3.3 Use knowledge of the situation and setting and of a character's traits and motivations to determine the causes for that character's actions.

Writing Strategies

- 1.2 Create multiple-paragraph compositions....

Research and Technology

- 1.7 Use various reference materials (e.g., dictionary, thesaurus, card catalog, encyclopedia, online information) as an aid to writing.

Evaluation and Revision

- 1.10 Edit and revise selected drafts to improve coherence and progression by adding, deleting, consolidating, and rearranging text.

Writing Applications

- 2.2 Write responses to literature....

- 2.4 Write summaries that contain the main ideas of the reading selection and the most significant details.

Speaking Applications

- 2.1 Make narrative presentations....

- 2.3 Deliver oral summaries of articles and books that contain the main ideas of the event or article and the most significant details.

Key Words or Terms:

authority	discrimination	majority
claim	exploiters	social responsibility
conflict resolution	hydraulic mining system	squatters
consent	law and order	unjustly

Lesson Overview:

The study of California's Gold Rush, 1848-58, provides opportunities to focus on the importance of rules and laws to society. In this lesson, students participate in a variety of

³⁰ The California Judicial Education for Youth Project acknowledges the Staff at the Washington State Office of the Administrator for the Courts (OAC) for the original "Rules and Laws" lesson, some of which was used in this lesson with permission.

activities—double entry journal, research, role playing, reflection and discussion, and group work—as they learn about the concepts of authority and justice.

Lesson Objectives:

1. Distinguish between rules and laws.
2. Understand the significance of the Gold Rush to the history of California's governing structures.
3. Explore the consequences of lawlessness.
4. Apply criteria to evaluate rules.
5. Compare conflict resolution models.
6. Explore issues of discrimination

Materials Needed:

- one copy of Worksheet, Double Entry Journal, Life in the Mines, for each student, page 10
- one copy of Worksheet Rules of a Mining Company for each student, page 11
- Internet access for research

Lesson Procedures:

1. The teacher introduces this lesson with a KWL Chart. Make three columns on the chalkboard, each column headed with one of these phrases:

<i>What Students <u>Know</u></i>	<i>What Students <u>Want to Know</u></i>	<i>What Students Have <u>Learned</u></i>

Ask students, "What do we know about rules and laws in the cities, towns, and mining camps during the California Gold Rush?" Students reflect on what they know, and during a class discussion the teacher records their responses in the first column.

The teacher goes on, "We have learned quite a bit about interactions among people during 1848-1858 in California, but what more do we want to know about law and order during this time?" First students do a "pair and share" where they have a conversation on this topic with a classmate to begin formulating ideas. Then, the teacher leads a class discussion and responses are recorded in the second column.

2. As additional preparation and motivation for this topic, each student does a Double Entry Journal, "Life in the Mines", Worksheet, page 10. Students read the column one quote from J.S. Holliday's *The World Rushed In, The Gold Rush Experience* silently, or the teacher may choose to read it aloud. Students reflect on the scenario and the meaning. In column two, they write, "In my own words", some thoughts or ideas about this scenario. Appropriate responses might indicate what the passage means, what it reminds them of, what is confusing, how the student feels about it. Students again meet with their "pair and share" partner and share their writings. The teacher then reopens the "What Students Want to Know" discussion for the KWL chart and additions are made.

3. Students are now ready to begin small group research projects about the California Gold Rush, from a law and order perspective. Following are possible topics; however, others might be added as a result of the KWL Chart activity.
 - How were rules and laws developed in the Gold Rush?
 - How were conflicts resolved between miners?
 - How were the Californios, American Indians and Chinese affected by the Gold Rush?
 - What was the purpose of the Land Law of 1851?
 - How was crime dealt with during the Gold Rush?

Specific website sections recommended in the Resources non-print section for this lesson include:

- Sacramento Bee site, *Gold Rush Sesquicentennial*, (*Part 2 Justice* and *Part 3 The People*)
 - PBS American Experience site, *Way Back in History for Kids, Gold Rush (Features –Californios)*
 - California Historical Society, California History Online, *The Gold Rush (Life in the Diggings* and *Diversity and Conflict*).
4. Each group reports their findings to the class. Posters, signs, and even costumes help to make the “reports/dramatic dialogues” come alive. Practice with good diction, expression, volume, and phrasing makes this activity an excellent language arts activity as well.
 5. Students reinforce and extend the learning by role playing a variety of scenarios involving someone who believes they were treated unjustly by another. Each of these scenarios are submitted to the local authority (such as the Alcade or Land Commission). Students organize into six groups and play the roles of the parties to the claims as well as the decision-makers.
 - A Californio rancher has complained to local authorities that miners from Oregon are squatting on his land.
 - A miner left his claim for two days due to illness and found it had been “jumped” when he returned.
 - A complaint by a Mexican miner that his mining rights are being ignored by other non-Mexican miners.
 - A citizen complains that the new hydraulic mining system is destroying the natural beauty of the Sierras.
 - A woman who cooks for the miners in the gold fields files a claim stating she has not been paid her \$25 per meal.
 - A Chinese miner files a complaint against the state’s new foreign miners tax law of 1850 stating it is unfair.

The teacher leads a concluding discussion, asking such questions as: Why did such disputes occur? What did the Gold Rush experience teach us about authority? Would work related conflicts be handled differently today?

6. According to one source³¹, the following characteristics of rules were most often found in a sample of sixty-one of the early mining district codes (1850-1854). Each sample rule characteristic is written on a slip of paper and placed in a bowl. Students draw one rule characteristic, explains the rule to the class, then leads a question and answer period with the class.
- Size of claim
 - Number of claims held by occupation
 - Work requirements
 - Existence of a recorder
 - Allowance for sale/transfer
 - Marking claim
 - Requires that claim be recorded
 - Boundaries of mining district
 - Dispute resolution
 - Exceptions for working
 - Bonus for discovery
 - Restrictions on who can mine
 - Property rights in water
 - Property rights in additional land
 - Rules for changing rules
 - Rules for calling meetings

Why were these characteristics of rules important to the miners? Without a government authority in place, who should be responsible for writing and enforcing the rules? The class works together to create some sample rules from the list that is clearly written, fair to all parties and enforceable.

7. Teacher distributes Worksheet- Rules of a Mining Company page 11 to students. Students individually review the rules and answer the following questions:
- Which of these rules do you think are fair and good? Which, if any, do you think are poor and unfair? Why?
 - How would you rewrite the rules that you found to be poor and unfair?
8. The teacher concludes with a Grand Discussion for the third column in the KWL chart, “What Have We Learned? Responses are recorded in column three of the chart.

Lesson Evaluation:

Students prepare an essay writing from the point of view of a person who experienced the Gold Rush. Choices include a Californio, lone woman in a mining camp, businessman, American miner, Chinese miner, or Mexican miner. Students argue in support of or against the following statement “The system for resolving disputes in California during the Gold Rush was fair.” Students utilize appropriate language arts writing strategies, including editing and revising.

³¹ Clay, Karen and Gavin Wright. “Order Without Law? Property Rights during the California Gold Rush”, Stanford Economics Working Paper, June 2003, page 28, <http://www-econ.stanford.edu/faculty/workp/swp03008.pdf>.

Extension Activities and Lessons:

1. Each student starts a journal about rules and laws. Journal entries where students reflect on issues related to laws, government, rights, and freedoms are added throughout the year. As students capture what they have learned in their own words, writing and analytical skills are enhanced.
2. Students read the literature selection entitled *Dame Shirley and the Gold Rush*. Students write response to the following statement “The people of the Gold Rush were affected by the limited amount of law and order in the following ways”.
3. Students view the video *Fountains of Columbia*. The teacher leads a class discussion that includes such question as: What were the needs for water in Columbia? What were the arguments about water presented by miners, farmers and the water company? How did the miners finally deal with their need for water? Who was involved with the dispute? Was there a judicial system? What were the consequences of this solution?

Resources:

Print

Atlman, Linda Jacobs. *The Legend of Freedom Hill*. Lee and Low Books, 2000. The focus of the story is on the friendship between Rosabel, a daughter of a runaway slave, and Sophia, the only Jewish girl in town. Both are outsiders in gold rush California. The story incorporates cultural and historical facts.

Blake, Arthur, and Pamela Daily. *The Gold Rush of 1849—Staking a Claim in California*. Millbrook, 1995. Includes recounts of some conflicts that occurred in the gold fields.

Gintzler, A.S. *Rough and Ready Prospectors*. John Muir Publications: Santa Fe, 1994. The book introduces readers to the men and women who helped shape the Wild West, traces the roots of gold fever, and describes the lives of the forty-niners—their mining camps, tools, methods, and strike-it rich (or not rich) stories.

Gregory, Kristiana. *Orphan Runaways*. New York, New York: Scholastic, 1998. 12 year old Danny and his brother Judd run away from a San Francisco orphanage to search for their uncle in Bodie. Although the story is set in the year 1878, it effectively illustrates prejudices against minority groups of the kind experienced during the Gold Rush.

Rau, Margaret. *The Wells Fargo Book of the Gold Rush*. New York, New York: Athenum Books for Young Readers, Simon & Shuster, 2001. This book is geared towards readers ages 8-12. It includes a comprehensive overview of the Gold Rush. The chapters on Law and Order, Statehood, Women Arrive at the Camps, The Mountain Tribes and The Foreign Gold Seekers are particularly relevant to this lesson.

Rawls, Jim (Alex Haley, General Editor). *Dame Shirley and the Gold Rush*. Steck-Vaughn Company, 1993. A scholarly retelling for children of the true stories about life and issues in a gold mining town written by Dame Shirley and published in a San Francisco magazine in 1854 and 1855.

Yep, Laurence. *The Journal of Wong Ming-Chung: A Chinese Miner, California, 1852 (My Name is America)*. Scholastic, 2000. In the year 1852, 10 year old Wong Ming-Chung took a dangerous trip from China to the California gold mines. Here he faced bullies and back breaking work, in return for meager wages. The story includes bright spots as well, as Wong learns to cope with the daily challenges and makes some lasting friendships.

Non-print

California Legacy 2000, *Fountains of Columbia*. Cambria Publishing, 1999.

This video was produced as part of the Sesquicentennial History Project. It explores the town of Columbia's disputes over water during the Gold Rush of 1850. The video is narrated by a young girl, who tells the story of the town through her eyes, including what happens to her own family.

PBS The American Experience-Way Back in History for Kids, *Gold Rush*

<http://www.pbs.org/wgbh/amex/kids/goldrush/>

The features section of this PBS site includes information on the Californios (the history of the Spanish speaking people who had come from Mexico or Spain to live in California), the Journey of the Forty-niners (routes to get to California), Gold Fever (highlights and important facts about the Gold Rush). Other useful information includes brief summaries of people from the Gold Rush era, such as Levi Strauss and further reading recommendations. The *Californio* section is recommended in particular for this lesson.

Sacramento Bee, *Gold Rush*

<http://www.calgoldrush.com/>

Comprehensive site in recognition of the Gold Rush Sesquicentennial. Part 1, Gold provides an overview including the discovery, routes of travel, maps, timelines. Part 2 includes Coloma-150 years, justice and culture during the Gold Rush, and tourism in current day gold country. Part 3 addresses the people of the Gold Rush, including women, Latinos, African Americans, Chinese. Part 4 addresses the legacy of the Gold Rush, including statehood, the environmental consequences, the effect of the Gold Rush on the human spirit and more. Part 2, Justice and Part 3, The People are recommended for this lesson.

California Historical Society, California History Online, *The Gold Rush*

<http://www.Californiahistoricalsociety.org/exhibits/online.html#>

Site includes extensive information about California History. To access the information about the Gold Rush, click on the timeline picture that corresponds to the 1800s. The Life in the Diggings and Diversity and Conflict are recommended for this lesson.

National Standards for Civics and Government

Grades 1-4 Content I (E) Purposes of rules and laws. Students should be able to explain the purposes of rules and laws and why they are important in their classroom, school, community, state and nation.

Grades 1-4 Content I (F) Evaluating rules and laws. Students should be able to explain and apply useful criteria in evaluating rules and laws.

Worksheet-Double Entry Journal, “Life in the Mines”

<p align="center"><i>Column One</i> <i>Quote from J.S. Holliday</i></p>	<p align="center"><i>Column Two</i> <i>“In my own words..”</i></p>
<p>“The 89,000 goldseekers (1849) were not settlers or pioneers in the tradition of America’s westward migration. These people came as exploiters, transients, ready to take, not to build. Whether in the diggings or in San Francisco, Sacramento City, or Stockton, they found themselves surrounded by crowds of hurrying men concerned only with how to make the greatest amount of money in the shortest time.</p> <p>With that common motive, they also shared an indifference toward California and its future. No one knew where he might be next week, maybe headed home or working a claim on Sutter Creek. No one wanted to be tied down and burdened by social responsibility. There were no jails; justice was inflicted quickly so as not to delay those called upon to pass judgment. In a world of strangers; in a place without evidence of government, religion or law, the goldseekers felt free to grasp for fortune. Like soldiers in a foreign land, it would be easy for many of them to slough off the social codes and moral precepts that had been enforced by family, friends, and the influence of the church.</p> <p>Holliday, J.S. <i>The World Rushed In, The Gold Rush Experience</i>. Simon and Schuster, New York: 1981. From Chapter X, “In the Diggings”, pages 297-8/</p>	

Worksheet
Rules Of A Mining Company

Rule	Is the rule fair or unfair? Why? If unfair, how would you rewrite to make fair?
1. That we shall bear an equal share in all costs.	
2. That no man shall be allowed to leave the company without general consent until we reach the mines.	
3. That anyone leaving with our consent shall have whatever share of money or property he has contributed to the company.	
4. That we work together in the mines and use our tools in common.	
5. That each man shall keep all the gold he finds but must contribute an equal part of our daily expenses.	
6. That we stand by each other.	
7. That each man shall in turn cook -- as well as do his share of the cleaning and other unpleasant jobs.	
8. That anybody who steals shall be banished from tent and claim -- with such other punishment as a majority of our company decide upon.	
9. That no sick comrade be abandoned.	

Teasing and Bullying³²

Grade Level and Number of Class Periods:

- 1-14 Grade four; four class periods. These class periods can be sequential, done during various parts of the school year depending on the History-Social Science Content Standard, or as a culminating lesson for History-Social Science Content Standard 4.4. The lesson procedures can also be included as part of learning the English/language arts standards—research, literature, writing, speaking.

Alignment to California Content Standards:

1-15 History-Social Science

- 4.4.3 Discuss immigration and migration to California between 1850 and 1900, including the diverse composition of those who came; the countries of origin and their relative locations; and conflicts and accords among the diverse groups (e.g., the 1882 Chinese Exclusion Act).
- 4.4.4 Describe rapid American immigration, internal migration, settlement, and the growth of towns and cities (e.g. Los Angeles).
- 4.4.5 Discuss the effects of the Great Depression, the Dust Bowl, and World War II on California.

English-Language Arts

Vocabulary and Concept Development

- 1.5 Use a thesaurus to determine related words and concepts

Comprehension and Analysis of Grade-Level Appropriate Text

- 2.2 Use appropriate strategies when reading for different purposes (e.g., full comprehension, location of information, personal enjoyment).

Literary Response and Analysis

- 3.2 Identify the main events of the plot, their causes, and the influence of each event on future actions.

Writing Strategies

- 1.7 Use various reference materials (e.g., dictionary, thesaurus,...online information) as an aid to writing.

Writing Applications

- 2.2 Write responses to literature—support judgments through references to both the text and prior knowledge.

Listening and Speaking Strategies

- 1.1 Ask thoughtful questions and respond to relevant questions with appropriate elaboration in oral settings.
- 1.2 Summarize major ideas and supporting evidence presented in spoken messages and formal presentations.

³² The California Judicial Education for Youth Project acknowledges the Texas Young Lawyers Association and the State Bar of Texas Law Related Education Department as the original developers of separate Teasing and Bullying Lessons, part of the *Junior Judges Curriculum Guide*. This lesson adapted with permission.

Key Words Or Terms:

assault	discrimination	intimidate
battery	disrespect	pester or taunt
bully	harass	prejudice
civil penalty	hate crime	respect
criminal penalty	horseplay	tease

Lesson Overview:

In this lesson students learn about behavior that is disrespectful, hurtful, harmful, and even criminal, and the concepts of teasing/harassment and bullying. When and why might people tease or bully? How is such behavior harmful? Through examples from daily life and from history, students gain an understanding of some reasons or instances for respectful behavior, find out about events in history where disrespectful behavior has been harmful and non-purposeful for a democratic society, learn about potential criminal and civil penalties for teasing and bullying, understand some court decisions related to historical events of disrespectful behavior, and become proactive in creating a respectful environment.

This is an excellent culminating lesson for History-Social Science Standard 4.4: “Students explain how California became an agricultural and industrial power, tracing the transformation of the California economy and its political and cultural development since the 1850s.” Students learn lessons about teasing and bullying from history (Standards 4.4.3, 4.4.4, and 4.4.5) and answer questions—When? Why? What? How? When and why have humans teased and/or bullied others. What happened? How might such situations have been prevented? How were courts involved in settling issues of disrespect? How can citizens, including myself, make sure that instances of disrespect and prejudice do not occur?

Lesson Objectives:

- 1. Understand the concepts of teasing, harassment, horseplay, and bullying; and identify some causes and behavior traits.**
- 2. Describe character traits pertaining to those who tease or bully, and why students should respect each other rather than resort to intimidation.**
- 3. Explain the personal ramifications of teasing, harassment, and of bullying with examples from daily life and from California history.**
- 4. Understand how to avoid situations that may lead to bullying.**
- 5. Understand school policies on teasing and bullying; if there are none, be proactive in getting policies established and procedures for preventing acts of disrespect.**
- 6. Learn potential criminal and civil penalties for teasing, harassment, and bullying acts.**
- 7. Learn about court cases regarding actions of disrespect and prejudice.**

Materials Needed:

- copies of the Worksheet, “Teasers, Bullies”, page 27 for each student.**
- four long pieces (4-6 feet) of butcher paper; one per group**
- one piece of 12 inch by 18 inch poster paper for each student**

- one copy of the Transparency -Examples of California and Federal Discrimination Laws, page 28
- copies of the Handout, “California Laws and Penalties: Bullying”, page 29 for each student
- copies of local newspapers, collected for a 2-3 month period

Lesson Procedures:

1. What is respect? The lesson begins with a discussion of character traits that are important to a democratic society, “all men are created equal”. What is disrespect? Why is it important to be respectful to others? When and where do children learn about the importance of respect? Why might people be disrespectful? What are the consequences for disrespect—to *those who are disrespectful* and to *those who are disrespected*? [Italics added]

The teacher organizes the class into four groups; two groups are assigned “teasing” and two groups are assigned “bullying”. Each student receives a copy of the Worksheet, “Teasers, Bullies”, page 27. Those in a “Teasers” group fill in the blanks with tease, teaser, or teasing, then respond to the questions. Those in a “Bullies” group fill in the blanks with bully or bullying, then respond to the questions. Students use a dictionary, thesaurus, textbooks, the Internet, and library resources if needed. Group members then get together, share responses, come to a group consensus on best responses, and report findings to the rest of the class. The report-out information is shared so that everyone in the group has a chance to present and comment/respond to the presenters. Students emphasize points to help the listener understand the concepts and use details to explain and clarify information (an English-language arts standard).

2. The teacher leads a class discussion and provides information that extends the group report information. Two columns are drawn on the chalkboard or on chart paper and headed “Teasing” and “Bullying”. Students brainstorm “teasing” examples and “bullying” examples. If not included in the “teasing” brainstorming examples, add:
 - Saying mean things to someone
 - Giving something to someone and then taking it away from him/her
 - Making fun of someone behind his or her back
 - Pretending to give something to someone but having no intention of actually giving it to him or her
 - Name calling because of an appearance issue, such as clothing that is not name brand or because they have braces or glasses
 - Laughing when someone falls down or makes a mistake

If not included in the “bullying” brainstorming examples, add:

- Stealing the property of another
- Harassing someone in the halls

- Repeated name calling
- Pushing someone down on the playground
- Intimidating another by threatening to act in an aggressive manner
- Kicking or hitting someone
- Spreading vicious rumors about someone
- Excluding someone from social relationships

Many videos are available for purchase that address the issue of teasing and bullying prevention, that may enhance this lesson. *Bulling, Teasing and Put-Downs: What Victims Can Do* is one choice available from the Bureau for At-Risk Youth. Ordering information is found in the Resources, non-print section of this lesson.

What do all of these examples of teasing and bullying have in common? After discussion, students should conclude, “disrespect of others”. Students do a 2-3 minute quick-write, “It is Important to Respect the Person and Property of Others”.

3. Why do kids tease or bully each other? Students continue to work in their groups; each group comes up with as many reasons as they can. In the report outs, responses to add, if not identified by the students, include:

- They may not understand why it is wrong.
- They may be trying to be funny or clever.
- They may be looking for approval from others (or trying to be cool by being mean to others).

Conclude the report outs with a discussion. How does teasing affect the person being teased? How does bullying affect the person being bullied? What is the Golden Rule? Why is the Golden Rule important for any person?

Provide each student with a piece of 12-inch by 18-inch poster paper. At the top, the student draws a picture of how it feels to be “teased” or “bullied”. Beneath, the student writes a Diamante Poem about “Teasing” or “Bullying”. The diamante is an unrhymed form of poetry that was named after the shape it usually takes as the writer follows a pattern.

Topic (noun)

Two adjectives (describing the topic)

Three action words (ing words)

Four words to capture the topic

Three action words (ing words)

Rename topic

The posters are displayed in the classroom, hallway, or multipurpose room for others to learn and appreciate.

4. Is there a school policy regarding teasing or harassment and bullying? One representative from each of the four groups is selected to form a “team” of class “ambassadors” to visit the principal and learn about any written policies and procedures for disrespectful behavior. The ambassadors bring paper and pencils and practice their note-taking skills. Questions are prepared in advance and can include: What are school policies for actions of disrespect? What are the consequences for teasing? For bullying? How frequently are actions of teasing and bullying reported to the principal?

The students report their findings from the principal visit to their groups. Each group discusses:

- Is there a policy?
- What are the procedures for this behavior?
- Are the policies and any procedures fair and appropriate? Why or why not?
- Should there be additions to the policy that would make it a better or fairer one?

If there is not a written policy for disrespectful behavior, then each group develops a policy. Issues to consider include:

- A committee of students who review student-related issues (sometimes called peer mediation or peer review)
- Immediate referral to school principal
- Referral becomes part of the student’s personal record.
- Notify parent or guardian of student conduct immediately.
- Possible suspensions for repeat behavior.

Groups share their recommendations and with teacher direction come to a class consensus regarding the/a school policy. The class “ambassadors” return to the principal with the class recommendations for consideration for schoolwide implementation. These recommendations are also included into the class rules or “constitution”.

5. The U.S. Constitution and the Bill of Rights declare equal rights for all in a democratic society. There are instances in U.S and California history where the equal/human rights of a group or groups of people have been denied. The denial of basic rights is often challenged in the courts. Many individuals have also devoted their time and energy or even their lives to maintaining or fighting for equal/human rights. Each student group is assigned a topic from California history that exemplifies a challenge to respect/disrespect. An extensive list of resources for each of the first three topics is found in the Resources section of this lesson.
 - Chinese railroad workers in the latter half of the 19th century and the Chinese Exclusion Act of 1862
 - The migration of Oakies and Arkies to California during the Dust Bowl period, 1930s, 20th century
 - The Japanese Internment during World War II, and later repatriation

Students could also research these topics:

- The riots in urban Los Angeles in the 1980s
- Response to waves of immigration to California that have caused incidents of disrespect in the last 150 years (such as Italians, Armenians, Mexicans)

Each group is to prepare a researched and thoughtful display to the issue/problem, and come up with several options for solving such problems. Each group is provided a strip of butcher paper; 4 feet to 6 feet long.

- a. At the top of the chart, students write a clear statement of the problem in their own words.
- b. On the left side of the chart, develop a list of three or more possible options for handling the problem. This should include as many reasonable ideas as students can identify by reading and researching, thinking and reflecting, or interviewing others.
- c. On the right side, next to each option, list the chief advantages and disadvantages of each option. Students should think ahead to the difficulties and benefits that would likely result if that option were carried out. They should think ahead to long-term consequences.
- d. At the bottom of the chart, 1) Write the team's overall recommendation. What does the team think would be the best way to handle the problem? 2) Identify any court decision or law that addressed the problem/issue; and 3) How does this make life better for people who live in a democracy?

Review and Conclusion: Post the display charts and allow for a class "walk around" where all students can review the findings. Then ask students to answer questions such as the following:

- Did anyone get any new ideas from this activity?
 - Did anyone change their mind about ways to resolve issues of disrespect from this activity?
 - What do you think is the best solution to problems such as these?
 - What steps might you take when you face a tough problem in your life?
 - How can an individual citizen help others who are treated with disrespect?
6. The teacher explains to students that there are potential criminal and civil penalties for teasing. It is against the law to discriminate against another based on his or her age, gender or race. There are also laws against harassment and discrimination. Discuss the importance of laws to protect those who may be targets for inappropriate teasing, and how teasing may lead to harassment and/or discrimination.

Explain to students that the State of California and the U.S. government have many laws against discrimination. Two examples of anti-discrimination laws are provided in the Transparency, page 28.³³ After reviewing these examples, initiate a discussion asking students such questions as:

³³ For a comprehensive list of California anti-discrimination laws see "Unlawful Discrimination, Your Rights and Remedies, Civil Rights Handbook, produced by the California Attorney General's Office,

“Why are laws such as these needed?”
“Why do we need to prevent discrimination?”

The discussion continues with a focus on the laws and penalties for bullying. Teacher gets things started by reviewing the following general ideas behind the laws:

- a. Assault by Threat: It is against the law to threaten to harm another person if the victim reasonably believes that he or she may be injured.
- b. Assault by Contact: It is also against the law to touch or make bodily contact with a person, knowing the person will believe the contact is offensive or provocative.

Divide students into small groups of up to five students. Distribute the handout “California Laws and Penalties: Bullying”, page 29 to students. Each group searches through copies of local newspapers for examples of “assault”, “battery”, and “hate crimes”.

Students discuss the laws and penalties in their groups. Students use the information they have learned throughout the lesson and the discussion on laws to develop an oral presentation entitled “What students can do to prevent acts of bullying in schools.” Each group is given an opportunity to present their recommendations. In addition, students can create a poster that includes their recommendations for student actions to prevent bullying.

7. *Students review their initial responses to the worksheet, “Teasers, Bullies”. After these series of lesson procedures, what do they want to change or add to their original responses?*

Lesson Evaluation:

Students write a reflective, multiple paragraph essay, “Getting Along in a Democracy”.

Include: controversies (an example of) among people, contributions of immigrants to California, ways that people from different places can get along together, and ways that “I” can make the world a better place for all to live.

Extension Activities/Lessons:

1. Students read the court case summaries in the appendix related to the Chinese Exclusion Act, Japanese Internment and the Dust Bowl case. Divide students into four groups: two assigned to study Japanese Internment (as there are more cases) and one to the Dust Bowl and one to the Chinese Exclusion Act. Students research the cases in their topic area and identify the following information:
 - What was the conflict?
 - What were the reasons for the conflict?
 - Who were the people involved?
 - What was the resolution of the conflict?

listed in Resources, non-print section of this lesson. The Resources section includes a link to access the full text of the Civil Rights Act of 1964.

2. *There are excellent pieces of children's literature pertaining to examples in California history where there has been a challenge to respect/disrespect. The Resources, print section for this lesson, identifies many selections. As a language arts activity, students read a literature selection and provide a narrative analysis; a form of book report:*

- *Identify the main events of the plot, their causes, and the influence of each event on future actions.*
- *Use knowledge of the situation and setting and of a character's traits and motivations to determine the causes for that character's actions.*
- *Identify actions of respect, actions of disrespect.*
- *Identify ways that actions of disrespect might have been prevented.*

The "book reports" are bound together and placed in the library section of the classroom for others to enjoy.

3. *Each "teasing" group is provided a scenario to act out.*

- a. *Shelly and Debra are in the same dance class after school. Carrie, a girl in their dance class, comes into the dressing room and is about to get dressed. The girls decide to play a prank on Carrie. When Carrie goes to use the bathroom, they hide her dance shoes. When Carrie comes back and ask them where her dance shoes are, the girls tell her that she should buy new ones because "those old hand me down shoes stink."*
- b. *Kevin's best friend, the one he always traded video games with, has moved away. Pete and Josh, who have a popular video game trading club, think Kevin is a nerd. They know that Kevin has no one to trade video games with since his friend left. The boys decide to tease Kevin, so they tell him to meet them at the park after school to join their club. The boys also tell him to bring every game he owns to the park. When the final bell rings ending the school day, Kevin rushes home to gather up his games. He rushes to the park and waits and waits for the other boys to show up for the club meeting. Pete and Josh hide in some bushes, see him waiting, and laugh.*

4. *Ask four to five members of the class to participate in the following role-playing activity. Those students who are not actors will be the judges.*

- a. *The actors play out a scene in which a bully picks on another student. The remaining group should just stand idly by. The bully can knock the victim's books out of his or her hands or perform some other kind of intimidation tactic. After a few seconds of bullying, ask the bully to stop and pose the following questions to the judges.*

- “First of all, is this bullying?” [Answer: yes]
 - “What could the other students who were standing around have done to make the situation better” [Sample answer: Tell the bully to stop, and show the bully that they do not like what he is doing.]
- b. Ask the actors to replay the scene, but this time, the students standing around should intercede on the victim’s behalf in some way. Once this scene runs for a few seconds, stop and pose the following questions to the judges:
- “Could you tell how different the scene felt when the other students told the bully that they did not like what he was doing?”
 - “Why does that make a difference?”
- c. Ask the actors to replay the scene again. This time, the victim should try to avoid the bullying. Whether the victim is successful in doing so does not matter. After the scene develops for a few seconds, stop and pose the following questions to the judges:
- If the victim was able to avoid the situation, ask:
 - “How was _____ able to avoid a bad situation?”
 - “What other things could _____ have done?”
 - If the victim was not able to avoid the situation, ask:
 - “Why was _____ not able to avoid the problem?”
 - “What other things could _____ have done?”
 - “What does this tell you about how important bystanders are in these situations?”
- d. Finally, ask the actors to act out a scene in which there is good-natured horseplay, but no bullying. Ask the judges:
- “Is this bullying?”
 - “Why is it not bullying?” [Suggested answer: The horseplay doesn’t show a lack of respect for somebody else.]

[Note to teacher: As an alternative to having the same group of “actors” role-play scenarios a, b, c, d, a different group could be selected for each scenario.]

5. Students read the following diary entry of Ben Uchida, whose family was sent by the U.S. government from their California home to the Mirror Lake Internment Camp in 1942. Students reflect on the passage, and write a paragraph that explains “feeling different”. In conclusion, students put themselves in the shoes of another, “What would I have done at that time and why?”

"Tuesday. April 21, 1942. I never thought I looked different from the other kids. Never once, even though most of them are Caucasian, except for Billy Smith, who's a Negro, and Charles Hamada, who's part Japanese, part jerk. But now I realized my face was different. My hair was black. My skin was yellow. My eyes were narrow. It never seemed to matter before, but it sure did matter now. Now my face was the face of the enemy."

[Note to teacher: The diary entry is from the *Journal of Ben Uchida*, by Barry Denenberg; refer to Print Resources section.]

6. In the third grade lesson, *The Ugly Duckling: A Discussion of Human Rights*, a classroom “No Put Downs” initiative or campaign was suggested. When successful, class representatives would meet with the principal to initiate a school-wide effort. At fourth grade, this “No Put Downs” initiative is continued. Class representatives can become school-wide leaders or mentors for younger students. The class develops “evaluation guidelines”. How do we know that our “No Put Downs” initiative is successful?

Resources:

Print

American Immigrants: Part 1. Cobblestone Magazine. Peterborough NH: Cobblestone Publishing. December 1982. Included are stories of many of the early immigrants to the United States.

Andryszewski, Tricia. *The Dust Bowl, Disaster on the Plains.* Brookfield, CT: The Millbrook Press, 1993. Good historical background on the reasons that “drove” thousands of people from the farmlands of Oklahoma, Kansas, and Arkansas to California in the late 1920s and early 1930s. Their arrival created controversy, disappointment, and prejudice.

Ayers, Katherine. *Macaroni Boy.* Delacorte Press, 2003. This story is set in Pittsburg during the depression. Mike Costa faces many problems including bullying and anti-Italian prejudice at school.

Bosh, Carl W. *Bully on the Bus (The Decision is Yours Series).* Seattle, WA: Parenting Press, 1998. Book provides readers with various options for dealing with a bully. Readers select the option they want and see what the probable outcomes will be.

Bunting, Eve. *So Far from the Sea.* New York: Clarion Books, 1998. Easy-to-read yet engaging text and vivid illustrations bring to life and informs students of a dark moment in history, the internment of Japanese Americans during World War II, and reminds us of the resonating impact of war.

Chetin, Helen. *Angel Island Prisoner 1922.* Berkeley Ca: New Seed Press, 1982. Through legends and customs, the story of 30 women and girls waiting to enter the U.S is told. Prejudice against immigrants, and the responses of those who wished to enter the U.S. comes alive in the stories. In English and Chinese.

Chin, Steven A. *When Justice Failed: The Fred Korematsu Story.* Fred Korematsu was an American citizen; he was born in Oakland, California. Despite his citizenship, he was discriminated against when he volunteered for military service in 1941 and applied for other jobs. He refused to go to the internment camps in 1942 because he was a U.S. citizen. This book includes an accessible account of his legal battles, both in the Supreme Court in the 1940s as discussed in this lesson, and his victory before a federal appeals court in 1982.

Chinese Americans. Cobblestone Magazine. Peterborough NH: Cobblestone Publishing, March 1991. Through historical short stories and mini-biographies students learn about issues and events confronting Chinese Americans and contributions these people have made to America. Also available: *Japanese Americans, Irish Americans, Hispanic Americans, Italian Americans.*

Daley, William. *The Chinese Americans*. New York: Chelsea House Publishers, 1987. Tells of contributions to U.S. of Chinese immigrants.

Denenberg, Barry. *The Journal of Ben Uchida*. New York: Scholastic Inc., 1999. Part of the My Name Is America series, this excellent perspective from a boy in the Mirror Lake, California Internment Camp in 1942 vividly describes the life and times of Japanese Americans during World War II.

Durbin, William. *The Journal of C.J. Jackson, a Dust Bowl Migrant, Oklahoma to California, 1935*. New York, New York: Scholastic, 2002. In this book of the My Name is America series, C.J. Jackson documents the discrimination, disappointment and hardship that thousands of Okies experienced.

Estes, Eleanor. *The Hundred Dresses*. Voyager Books, Reissue Edition, 1998. Wanda Petronski goes to school each day in the same faded dress. One day, she told her classmates that she had 100 dresses at home. The teasing she had experienced grew even worse, until finally her family moves away. An excellent lesson is provided regarding the harm that words can cause as well as the power of forgiveness.

Ferris, Jeri Chase. *With Open Hands—A Story about Biddy Mason*. The life of a freed slave who came to California in 1856, rose above prejudice, and among other accomplishments became a civic-minded philanthropist.

Hahn, Mary Downing. *Stepping on the Cracks*. Marietta, Georgia: Camelot, Reprint edition, 1992. Set in World War II, Margaret and Elizabeth experience bullying by their archenemy and end up learning things about him that explain his behavior.

Hesse, Karen. *Out of the Dust*. New York: Scholastic Signature, 1999. Images of the period come to life through beautifully written free verse and bring the reader to another time, another place, and difficult times.

McClain, Charles J. *In Search of Equality-The Chinese Struggle Against Discrimination in 19th Century America*. Berkeley, California: University of California Press, 1994. This resource is for teachers interested in learning more about how the Chinese have used the justice system to fight against discrimination. McClain focuses on the San Francisco Bay Area, the home of almost one-fifth of the fifty thousand Chinese working in California in 1870. He cites cases in which Chinese laundrymen challenged the city of San Francisco's discriminatory building restrictions, and lawsuits brought by parents to protest the exclusion of Chinese children from public schools. These efforts were instrumental in establishing several legal landmarks. In their battles for justice, the Chinese community helped to clarify many judicial issues, including the parameters of the Fourteenth Amendment and the legal meanings of nondiscrimination and equality.

Romain, Trevor, and Elizabeth Yerdick. *Bullies Are a Pain in the Brain*. Minneapolis, MN: Free Spirit, 1997. This book provides practical suggestions for dealing with bullies; mixed with humor.

The Immigrant Experience 1840-1890. Teaching With Primary Sources Series. Peterborough NH: Cobblestone Publishing, 1996. Also available, *The Immigrant Experience 1890-1925*. These resources are a wealth of primary source drawings, political cartoons, news articles, and quotations pertaining to immigrant experiences.

Turner, Anne. *Dust for Dinner*. New York: Harper Collins, 1995. An easy-to-read chronicle of the difficulties faced by one Dust Bowl farm family as they abandon their home and hope for work in California. Disappointments and hurt met their arrival.

Uchida, Yoshiko. *A Jar of Dreams*. Macmillan, 1981. This story of the Great Depression era is told by eleven-year-old Rinko, the only girl in a Japanese-American family living in Oakland. It portrays the tensions and problems of that time.

Yep, Laurence. *Dragonwings*. Harper, 1977. Windrider and his son, Moon Shadow, endure poverty, the mockery of other Chinese, and the longing for the rest of the family in China to make a dream come true--creating a dragonlike flying machine. A vivid picture of San Francisco's Chinatown in the early 1900s is presented in this Newberry Honor-winning book. By the same author, *Dragon's Gate* is also recommended as a prequel to a believable and compassionate heroic quest of the Chinese in California.

Non-print

About Angel Island, a major immigration station

Angel Island Association, *Angel Island*

<http://www.angelisland.org/>

Information about the history of Angel Island as an immigration station, as well as current day information, such as how to visit the Island.

Angel Island Immigration Station Foundation

<http://www.aiisf.org/>

The goal of the Foundation is to preserve, restore and interpret the historic immigration station. History, frequently asked questions, resources (including teacher resources) are included.

California State Parks, *Angel Island*

http://www.parks.ca.gov/default.asp?page_id=468

Details about the park, as well as links to additional resources.

About Chinese Exclusion Act

Chinese Exclusion Act

<http://www.mtholyoke.edu/acad/intrel/chinex.htm>

The text of the 1882 Act.

Asian Americans, *Chinese Immigration*

<http://www.asianamericans.com/ChineseImmigration.htm>

Discusses various issues related to the history of Chinese Immigration to the west, including the Chinese Exclusion Act.

National Parks Service, Five Views: An Ethnic Historic Site Survey for California, *A History of Chinese Americans in California*

http://www.cr.nps.gov/history/online_books/5views/5views3b.htm

An on line book about the history of Chinese Americans in California. Information is organized by decade from the 1850s to the 1900s. This site also includes information about American Indians, Black Americans, Japanese Americans and Mexican Americans in California.

About the Dust Bowl

American Experience, *Surviving the Dust Bowl*

<http://www.pbs.org/wgbh/amex/dustbowl/>

Includes people and events, a timeline, government efforts and legislation, first person accounts regarding the dust bowl.

American Memory, *Voices from the Dust Bowl: The Charles L. Todd and Robert Sonkin Migrant Worker Collection*

<http://memory.loc.gov/ammem/afctshhtml/tshome.html>

An online presentation documenting the everyday life of residents of Farm Security Administration (FSA) migrant work camps in central California in 1940 and 1941.

California State University Bakersfield Library, *Dust Bowl Online Bibliography*

http://www.lib.csub.edu/special/dustbowl_bib.html

A comprehensive list of resources for teachers interested in further research regarding the dust bowl.

Farm Life and the Dust Bowl

<http://www.iaction.com/exemplar/Section3%20content/farme.htm>

A concise summary of key events during the Dust Bowl.

New Deal Network, *California Border Crisis, LA Herald-Express Articles*

<http://newdeal.feri.org/tolan/tol09.htm>

A series of newspaper articles from the mid-1930's dealing with California's response to the increasing number of immigrants from other states.

University of South Dakota, *The Dust Bowl*

<http://www.usd.edu/anth/epa/dust.html>

Includes dramatic photos and a brief explanation of the dust bowl, its causes and consequences.

Weedpatch Camp – Arvin Federal Government Camp

<http://www.weedpatchcamp.com/index.htm>

The Arvin Federal Government camp provided the basis for the Grapes of Wrath story. This camp was established to house migrant farm workers who moved to California to escape life in the Dust Bowl region. Provides insight into the daily life for the farmworkers and their families, the history of the camp, stories, the federal government's role.

About Japanese Internment

A More Perfect Union, *Japanese Americans and the U.S. Constitution*

<http://americanhistory.si.edu/perfectunion/non-flash/overview.html>

Site provides a variety of primary source documents told with quotes, facts and photos. Categories include immigration, removal, internment, loyalty, service and justice.

Japanese American Internment, *Documents and Resources*

<http://bss.sfsu.edu/internment/documents.html>

Includes government records, such as executive orders, the Civilian Exclusion Order, fact sheets, timelines, court cases, documents from the camps, newspaper articles about the internment, lesson plans.

San Francisco Museum, *search page*

<http://www.sfmuseum.org/search/ss.asp>

Enter a search term, such as Japanese Internment or the dust bowl and obtain access to many primary source documents.

UCLA Institute on Primary Resources, *In the Classroom*

<http://ipr.ues.gseis.ucla.edu/classroom/lessons.html>

Includes a lesson plan for 4th and 5th grades and access to many primary sources about the Japanese Internment.

Additional Resources

California Attorney General, *Publications*

<http://caag.state.ca.us/publications/index.htm>

Unlawful Discrimination: Your Rights and Remedies, Civil Rights Handbook is available in PDF or HTML version. Includes a comprehensive list of laws and remedies. Provided as teacher background for this lesson.

Civil Rights Act 1964

<http://usinfo.state.gov/usa/infousa/laws/majorlaw/civilr19.htm>

The complete text of the Act is available for interested teachers.

The Bureau for At-Risk Youth. *Bullying, Teasing and Put-Downs: What Victims Can Do*. This is a fast paced 25 minute video addressing questions about bullies and victims. Children share their own experiences with bullying, teasing and put-downs and what did and did not work. Order online at www.at-risk.com or call 1-800-99-YOUTH. (Item number BAT31649)

National Standards for Civics and Government

II.D.1 What are the benefits of diversity in the U.S.? What are some of the costs? Why is there so much diversity in the U.S.?

II.E.1 Identify and evaluate ways conflicts about diversity can be prevented and managed.

V.C.1, V.D.1, and V.E.1 What are important rights, responsibilities, and traits of character of Americans for preservation and improvement of democracy?

[NOTE to teacher: These questions make an excellent class “Grand Discussion”, as a prelude to the lesson or as a lesson wrap-up.]

WORKSHEET: TEASERS, BULLIES
WHAT? WHY? WHERE? HOW?

1. WHAT is a _____, a definition:

Synonyms for this term:

2. WHY might someone be a _____?

3. WHERE have I seen _____ at school or in the community?

Why did they occur?

4. WHERE are there examples in California history or in literature of _____:

5. WHY was the _____ hurtful/disrespectful at school or the community?

How _____?

6. WHY was the _____ hurtful/disrespectful in the example from history or literature?

How _____?

Transparency -Examples of California and Federal Discrimination Laws

California

The Ralph Act, Civil Code Section 51.7 (a)

All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute, or because another person perceives them to have one or more of those characteristics. The identification in this subdivision of particular bases of discrimination is illustrative rather than restrictive.

Federal

Civil Rights Act of 1964 (introductory paragraph)

To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Handout -California Laws and Penalties: Bullying

Assault

Attempt to commit an injury (try to hurt someone), or use a weapon, or throw a chemical which is likely to hurt another person. Assault is trying or planning to hurt someone, but not necessarily succeeding. (Penal Code Section 240, 244, 245)

Penalty-An assault is a misdemeanor. Imprisonment and fines are possible penalties for assault.

Battery

Inflict willful and unlawful use of force or violence upon another person. Battery is when an assault has been violently and successfully carried out. (Penal Code Section 242).

Penalty-Battery also is a misdemeanor, and may be punished by imprisonment and fines.

Hate Crimes

Any criminal act which is motivated, in whole or in part, by bias is a hate crime. A bias is any dislike of another because of race, ethnicity, religion, sexual orientation, physical or mental disability, or gender. In some cases, threats and intimidation may be considered a hate crime. (Penal Code 422.6, 422.7, 422.75, 1170.75)

Examples of hate crimes are completed or attempted criminal acts such as damage to another's property, slander of any organization, interference (by force or threat of force) with religious worship, vandalism of a place of worship, causing another to be in fear for their safety by burning a cross or displaying racist signs, and any act of violence upon the person of another motivated by bias.

Penalty-When prejudice is the main reason behind the violence or threat, California makes the punishment for the crime more severe. California students between the 4th and 12th grades may be suspended or recommended for expulsion if they cause, attempt to cause or participate in an act of hate violence. (Education Code Section 48900.3).

A hate crime conviction can result in imprisonment, as well as a large fine, money to the victim for their pain and suffering, fees for the victim's attorney, as well as medical and/or property bills.

Court Case Appendix

Chinese Exclusion Act

Chae Chan Ping v. United States 130 U.S. 589 (1889)

During the time of the gold rush, the number of Chinese laborers in the United States greatly increased. This created a threat to American worker jobs. In response, Congress passed the Chinese Exclusion Act of 1882, allowing the United States to control the flow of Chinese immigrants into the United States. Chae Chan Ping lived in San Francisco, California but was a citizen of China. He left for China in 1875 and was not allowed to return to the United States in 1888 because of the Chinese Exclusion Act. Ping took his case to court, claiming that the Act violated a treaty that the U.S. had with China and he should be allowed to re-enter the U.S.

The Supreme Court said that Congress has the power to cancel or change treaties. The Court concluded that it was acceptable to exclude the Chinese if Congress determined that their exclusion was necessary to protect the security of the United States.

United States v. Wong Kim Ark 169 U.S. 649 (1898)

Wong Kim Ark was born in San Francisco. At the time he was born, his parents were resident foreigners. Since his birth, Wong Kim Ark had lived in San Francisco, but when he was 17 he went with his parents to China for a visit. He was able to return to San Francisco after his trip because he was a native born citizen. Later in 1894, Mr. Ark visited China but was denied entrance when he returned on the grounds that he was not a U.S. citizen.

The Supreme Court of the United States ruled that the Chinese Exclusion Act could not apply to Mr. Ark, because children born of resident foreigners who are residing in the U.S. are considered citizens. Thus, Mr. Ark was allowed to return to the U.S.

Japanese Internment

Hirabayashi v. United States 320 U.S. 81 (1943)

After the attack on Pearl Harbor in World War II, President Franklin D. Roosevelt wanted to prevent incidents of disloyalty and espionage by individuals of Japanese descent living in the United States. He issued two executive orders, which Congress passed into law. These laws gave the Secretary of War the power to designate certain parts of the United States “military areas” which excluded all Japanese. The second established the War Relocation Authority, which authorized the removal, maintenance, and supervision of all persons excluded from the military areas. In this case, Gordon Hirabayashi a student at the University of Washington, appealed his conviction for violating a curfew and relocation order. Mr. Hirabayashi claimed his due process rights under the 5th Amendment of the United States Constitution were violated and that the laws exceeded the powers of the government to restrict individuals of Japanese descent.

The Supreme Court found the executive orders constitutional as the restrictions placed on Japanese Americans and resident aliens of Japan serviced a military and national security interest.

Yasui v. United States 320 U.S. 115 (1943)

Minoru Yasui was an American born citizen of Japanese ancestry, a graduate of the University of Oregon Law School, a U.S. Army reserve officer, an attorney and active member of the Japanese American Citizens League. At 11 pm on the night of March 28, 1942, Yasui attempted to get himself arrested by breaking the curfew law...Thus, Yasui became the first Japanese American to challenge General John L. DeWitt's orders." Yasui challenged the curfew orders on the grounds of racial discrimination. He served nine months in solitary confinement while awaiting trial.

The Supreme Court confirmed the conviction for the same reasons as in the Hirabayashi case. The Court accepted the government's arguments for military necessity and national security.

Korematsu v. United States 323 U.S. 24 (1944)

Fred Korematsu, an American citizen of Japanese descent, was convicted in federal court of "knowingly remaining in a designated military area in San Leandro, California." The prosecution claimed that his actions violated Exclusion Order #34 and Executive Order #9066 which had been issued to protect the West Coast from acts of espionage and sabotage. The Acts required all Japanese Americans living in restricted areas to go to inland relocation centers. Korematsu claimed that this violated his Fourteenth Amendment right to equal protection of the law and his Fifth Amendment right to life, liberty, and property. Another issue in the case was whether Congress or the President had the power to violate Korematsu's constitutional rights because of the circumstances of World War II.

The Supreme Court of the United States held that an entire race could be labeled a "suspect classification" because of military considerations. Thus, the government did have the power to deny the Japanese their constitutional rights. The Court ruled that the war powers of Congress and the President could include the complete exclusion of persons of Japanese ancestry given the compelling interest in national security.

Ex parte Endo (1944)

Mitsuye Endo's case challenged the public law of March 21, 1942, which empowered military authorities to impose a curfew, but did not mention detention. In 1942, the California State Highway Commission in Sacramento, California dismissed Mitsuye Endo from her civil service stenographer job and the military ordered her to a detention center. She was a U.S. citizen and had a brother serving in the U.S. Army. Her attorney, James Purcell, filed a writ of habeas corpus on her behalf, contending that the War Relocation Authority had no right to detain a loyal American citizen who was innocent of the various allegations the Army had used to justify the eviction and incarceration. While she was incarcerated, the government offered Endo her freedom if she would agree not to

return to the “restricted area” of the West Coast, which included all of California. She refused and remained incarcerated for two years.

On December 18, 1944, the Supreme Court ruled unanimously that Endo "should be given her liberty" and released from custody, since her loyalty was clearly established. In the ruling, Justice Murphy stated: "...detention in Relocation Centers of persons of Japanese ancestry regardless of loyalty is not only unauthorized by Congress or the Executive, but it is another example of the unconstitutional resort to racism inherent in the entire evacuation program." After this decision, the exclusion orders were suspended and Japanese Americans who were interned were free to return to their homes.

Forty years after the Supreme Court decisions, legal battles were fought to correct the injury caused by a mistake of the court. Federal appeals courts (in separate decisions) ruled that the earlier court decisions regarding the Japanese Internment were found to be based on factual errors or purposeful omissions by the Government.. The names of the defendants were cleared. Later Mr. Korematsu was also honored with the Medal of Freedom by President Clinton for his brave act of protest against the Internment.

Read more about the major Japanese Internment court cases and attempts to correct the injustices of the Internment at the following website:

A More Perfect Union, Japanese Americans and the U.S. Constitution, Justice
http://americanhistory.si.edu/perfectunion/non-flash/justice_court.html

Dust Bowl

Edwards v. California, 314 U.S. 160 (1941)

This case challenged a California law which stated:

“Every person, firm or corporation or officer or agent thereof that brings or assists in bringing into the State any indigent person who is not a resident of the State, knowing him to be an indigent person, is guilty of a misdemeanor.”

Edwards, who was a California resident, was charged with bringing his wife’s brother, an indigent from Texas to California. Edwards was convicted in the superior court. There was no appeal option for him in the state courts so he appealed to the US Supreme Court. The Court found that “Sec. 2615 is not a valid exercise of the police power of California; that it imposes an unconstitutional burden upon interstate commerce and that the conviction under it cannot be sustained. In the view we have taken it is unnecessary to decide whether the section is repugnant to other provisions of the Constitution”.

This decision also led to other opinions that agreed with the outcome, but had different reasoning, called “concurring opinions”. One of these opinions wanted it stated clearly that it is a privilege of citizenship to travel to other states for temporary or permanent residence. This opinion also wanted to clarify that being indigent should not be a source of or a basis for denying rights.

1-16 Ways to Solve a Problem

Grade Level and Number of Class Periods:

Grade 4, three class periods

Alignment to California Content Standards:

History-Social Science

4.4.6 *Describe the development and locations of new industries since the nineteenth century, such as the aerospace industry, electronics industry, large-scale commercial agriculture and irrigation projects, the oil and automobile industries, communication and defense industries, and important trade links with the Pacific Basin. NOTE: Emphasis added for this lesson.*

English-Language Arts

Vocabulary and Concept Development

1.5 Use a thesaurus to determine related words and concepts.

Writing Strategies, Organization and Focus

1.3 Use traditional structures for conveying information (e.g., chronological order, cause and effect, similarity and difference, and posing and answering a question).

Writing Strategies, Research and Technology

1.7 Use various reference materials (e.g. dictionary, thesaurus, card catalog, encyclopedia, online information) as an aid to writing.

Writing Applications

2.3 Write information reports.

Speaking Applications

2.2 Make informational presentations.

Key Words or Terms:

arbitration	conflict	mediation	resolution
boycott	conflict resolution	mediator	social justice
braceros	labor union	negotiation	strike
collaboration	litigation	pesticides	win/win

Lesson Overview:

Whenever two or more people are together, there is the potential for disagreement or conflict, and for unfair treatment. In this lesson students will learn about various ways to resolve both personal and larger conflicts in the school, the community, and the workplace; emphasizing non-violent methods. During California's rapid growth, there were new industries that needed many employees. The non-violent methods of Cesar E. Chavez for social justice for workers in agriculture in the twentieth century are exemplified, thus providing historical context for this lesson about ways to solve a problem. The California Legislature has required that students in this state study about

Cesar Chavez at every grade. This lesson helps to meet the mandate and also teaches students about aspects of the justice system.

Lesson Objectives:

1. *Understand that there are various ways to “solve problems”, for example: communication; mediation; negotiation; voting/politics; conflict resolution; boycott; strike; ways that create media attention such as speeches, marches and fasting; arbitration; and litigation.*
2. *Understand the nonviolent methods led by Cesar Chavez to resolve conflicts.*
3. *Interpret quotations that pertain to ways to “solve problems”.*
4. *Identify character traits in some people who are committed to resolving problems with non-violence.*
5. *Participate in activities that help to “solve problems” and make our world a better place to live.*

Materials Needed:

- *one worksheet for each student; “Ways to Solve a Problem”, page 42-43.*
- *one worksheet for each student, “In My Own Words”, page 46.*
- *one copy of Short-Handled Hoe for each student, pages 44-45.*

Lesson Procedures:

1. The lesson begins with a brainstorming session. What is a conflict? Why might people have conflicts? How can conflicts or problems be resolved? Then, students brainstorm some conflicts that have occurred between or among class members. What are the conflicts? How were they resolved? What are other ways that they might have been resolved? What might be done to make sure that such conflicts don’t happen again? Responses are recorded on the chalkboard.
2. The discussion continues. If not already mentioned, the teacher explains that some conflicts are contested in violent ways; such as fighting, weapons, terrorism, wars. But there are other means of dispute resolution that do not involve violence. In this lesson we are going to explore various non-violent means of resolving problems that can make this world a better place for all of us to enjoy. Students brainstorm other ways that people might use when there are disagreements or conflicts.
3. The teacher reads the following paragraphs to students and asks them to reflect on the life of a child of migrant laborers before 1950:
As you lay in bed tonight just think about being a Mexican American child in a migrant laborer family. Your bed is in the old family car, a tent, or a one-room shack. There is no electricity or running water. Your large family keeps warm with a kerosene camping stove. Your parents work very long hours for very little

money. When they get home they are very tired and sore from bending over all day and planting, weeding, or harvesting fruits or vegetables. You think about traveling from one farm to another as crops are ready to harvest—strawberries, lettuce, peas, string beans, grapes, apples. You remember stories of children working in the fields to help earn money. Now you dread having to go to yet another school tomorrow and fear being laughed at because you have missed many classes because of moving, your shoes are worn out, and you can't speak English well. END OF SCENARIO

Harvesting food for America is very honorable work. However, migrant laborers, regardless of ethnic background, have been the most poorly paid, fed, housed, and educated workers in America. This is partly because there were no laws to protect them. When the National Labor Relations Act (NLRA) was passed in 1935, it required that all workers must be paid a minimum wage and could not be forced to work long hours. The NLRA also forced employers to allow their workers to form unions; however, farm laborers were not included. This meant that farm owners could set their own rules and wages and hours.

Enter Cesar E. Chavez, a migrant worker who dedicated his life to “social justice” and making life better for farm workers. He wanted to improve health conditions, where there was no water to drink or no toilets in the fields. And there were safety hazards with heavy or poor equipment and pesticides. The short 18-inch handled hoe forced people to work doubled over all day. There was also the poor pay and long hours. Chavez was convinced that the only way to resolve these conditions was to form a union of farm workers where there was the opportunity to negotiate all these issues and get laws to back up the union's efforts. END OF READING

NOTE TO THE TEACHER: For information about the History of California Agriculture, refer to the website for the Cesar E. Chavez Model Curriculum Project and Lesson 3 for Grade Four, “Cesar E. Chavez Used Nonviolence to Educate the Public”, listed in the Non-Print Resources for this lesson.

The teacher organizes the students into seven research groups for the following topics in Chavez' efforts to improve conditions for farm workers:

- The National Farm Workers Association (NFWA) is organized in 1962 (later called the United Farm Workers)
- Demonstration and a “sit-in” at a ranch against the growers' use of braceros.
- HUELGA! The strike against grape growers.
- The grape boycott
- The 300-mile march, Delano to Sacramento, to focus attention on the need for better wages for farm workers
- The boycott on lettuce
- The Chavez fast in protest of the use of pesticides in farm fields

Research groups report their findings to the class with visuals/drawings to exemplify their topic, and use presentation skills that meet the Language Arts Standards. In conclusion, there is a Grand Discussion, “How was social justice achieved? “What is the price”, the human effort for this justice?”

4. *Students analyze various “Ways to Solve a Problem” that are non-violent. Provide each student with a copy of the Worksheet, page 42-43. The teacher organizes students in pairs or trios, depending on the number of students in the class, and assigns each small group one of the problem solving terms: communication, mediation, negotiation, conflict resolution, voting/politics, boycott, strike, speeches, marches, fasting, arbitration, or litigation.*
 - In column one of the worksheet, the term is defined.
 - In column two, the small group comes to consensus on benefits to individuals and society for this type of problem solving.
 - In column three, consensus is reached on some drawbacks (if any) to this type of problem solving. If students have trouble coming up with ideas, then the following prompts can be given. Is there any harm caused? Expenses? Training or education required? Particular skills or expertise required?
 - On the back of the page, the group provides an example of this type of problem solving—from Cesar Chavez’s experiences, from a school incident, from a state or community situation, or from history.

The small groups present their responses to the class. The “listeners” take notes in the remaining spaces of the Worksheet.
5. Students are assigned roles to play, acting out the hearings and Supreme Court case involving the short-handled hoe. Roles to be assigned to students include:

Lawyers for farmworkers	Growers/ Farm owners
Doctors	Union leaders
Industrial Safety Board members	Supreme Court Justices
Farmworkers	

The information needed to act out the story is included in the Short-Handled Hoe summary on pages 44-45. Students work in their assigned group (doctor, farmworker, etc.) to develop the lines and actions needed to perform the short-handled hoe story. Expansions on the story facts that are appropriate should be encouraged. For example, students in the farmworker group could act out using a short-handled hoe with an acceptable substitute such as a ruler. A comparison group of farmers could use a long handled hoe substitute, such as a broom. Students act out the role play in front of an audience—other classes or parents are suggested.

6. Students participate in a critical thinking exercise. Students write an essay exploring their thoughts about the short-handled hoe case. Students are asked to address the following questions “If you served on the Court, what is your opinion/ decision? Why? Where does the authority of the Supreme Court to direct the Division of Industrial Safety to reconsider its decision come from? What steps would you take to insure your decision is fair and based on the applicable laws?”

Lesson Evaluation:

Students write a Letter to the Editor, “Why and how are non-violent tactics for resolving problems effective in educating the public about problems?” One or more examples are provided.

Extension Activities and Lessons:

1. *Student volunteers are trained in conflict resolution procedures/peer mediation. After training, they demonstrate the procedures to the rest of the class. These students “pilot” the efforts with any disputes that arise among students in the classroom. When the “pilot” is successful, then the idea can be brought to the school principal where a school-wide program at all grade levels is promoted. Refer to the print resources, “Working It Out, Conflict Resolution”, AppleSeeds, September 2003 for procedures that are appropriate for young people. Teachers or schools interested in establishing peer mediation programs may also find the New Jersey Bar Foundation and School Mediation website links in the Resources non-print section of this lesson useful.*
2. *Students research the lives of some people who are advocates of resolving problems through non-violent methods and work for social justice for all people. The print and non-print resources listed below are some places to start research. Students can further search the Internet by name title (Mohandas Ghandi, Cesar E. Chavez, Dolores Huerta, Martin Luther King, Jr.), and by organization—The Cesar E. Chavez Foundation or the National Farm Workers Service Center.*
 - **Mohandas Ghandi**
 - **Cesar E. Chavez**
 - **Martin Luther King Jr.**
 - **Dolores Huerta**
 - **A child of Cesar E. Chavez**, such as Paul Chavez, the President of the National Farm Workers Service Center (refer to AppleSeeds for some information)
 - **A grandchild of Cesar E. Chavez** (refer to AppleSeeds for some information about Fernando Chavez and for Julie Chavez Rodriguez who is Community Programs Coordinator for the Cesar E. Chavez Foundation)

Organize the students into six research groups with each group assigned one of the above “workers for social justice”. Research is done through print/library resources and the Internet. In the cases of children or grandchildren of Cesar Chavez, some suppositions may need to be made and can reflect the student’s understandings of these roles today. After research, students are reorganized into six different groups, representing one person from each of the research groups. Students share their findings. Research topics include:

- *Describe this person (either fact or your estimation from the research)*
 - *What are the person's beliefs?*
 - *When were these beliefs carried out?*
 - *How are the beliefs carried out?*
 - *What has this person accomplished?*
 - *Why are these accomplishments important?*
 - *What character traits has this person demonstrated?*
 - *Why are these character traits important?*
3. *Students reflect upon and explain "In My Own Words", primary source quotations. Distribute to each student a copy of the Worksheet, page 38. Organize students into groups of five. The group divides up the quotations, two per person, and writes "In My Own Words". Then, students share their responses with each other. Do others have more to add? The intent of the activity is to interpret primary sources and develop communication skills.*
 4. *Students research conflicts that have occurred in their community—then and now. A good place for information is a homework assignment where students talk with their family about community issues. With their family they also research local newspapers for issues of conflict. What are the issues? How were they resolved? Which method of "Ways to Solve a Problem" worked? Who was involved? How did the resolution help the people of the community?*
 5. *Divide students into four groups, representing Asian Pacific Americans, African Americans, Hispanic Americans and Native Americans. Students visit the American Bar Association Public Education website, listed in Resources, non-print of this lesson. Each group reads some of the biographies included in their section and selects one individual's story for an oral report to give to the class.*

Resources:

Print

Cesar E. Chavez. AppleSeeds, A Cobblestone Publication. Carus Publishing Company: February 2002. The magazine, for students in grades 2-4, provides insight into the early years of an American hero; Huelga! The Great Strike, the role of Dolores Huerta, and other efforts to improve the lives of those who help to feed

America; and the Chavez' legacy—for those in his family and for others who recognize that the work to improve the lives of migrant workers is not over.

Ferriss, Susan and Ricardo Sandoval. *The Fight in the Fields, Cesar Chavez and the Farmworkers Movement*. New York, New York: Harcourt Brace & Company, A Harvest Book, 1997. In this intimate portrait and social history, the book chronicles both the triumphs and the crises and provides a moving testament to the enduring importance of Chavez and his legacy. This book provides excellent teacher background. Portions of this well illustrated book would be good teacher-read-aloud. Pages 206-207 include an excellent, illustrated summary, "The Death of the Short-Handled Hoe".

Fletcher, Susan. *Walk Across the Sea*. This wonderful story takes place in 1886 in Crescent City. Eliza is the lighthouse keeper's daughter who has been taught to avoid the Chinese population of her town. Her strict father says they are heathens. However, Eliza has experiences that tell her the Chinese are as kind and principled as she is, just different. The townspeople drive out the Chinese, leaving Eliza to develop her own sense of values. Based on true events, this book is for thoughtful 4th-graders.

Gonzales, Doreen. *Cesar Chavez, Leader for Migrant Farm Workers*. Enslow Publishers, Inc., Berkeley Heights, New Jersey: 1996. Part of the Hispanic Biographies series, the student friendly text examines the life of this Mexican-American hero (how one man can effect the lives of many) from the family's migration to California, to his beliefs in non-violence as a resolution to problems, and then following Chavez through his adult life. Throughout the account, Chavez's life is related to the history of California and its farming industry.

Jiminez, Francisco. *The Circuit: Stories From the Life of a Migrant Child*. Albuquerque, New Mexico: University of New Mexico Press, 1997. The book is a series of independent but intertwined stories that follow a migrant family through its circuit, from picking cotton and strawberries to topping carrots - and back again - over a number of years. Described as an honest and powerful account of a family's journey to the fields of California, it is a story of survival, faith and hope.

Murcia, Rebecca Thatcher. *Dolores Huerta*. Hockessin, Delaware: Mitchell Lane Publishers, 2002. Part of the Latinos in American History series, the book tells the story of Dolores Huerta's long effort to improve the lives of farm workers, including her role, with Cesar Chavez, in the founding of the United Farm Workers Union. The text is very accessible for fourth graders.

Ryan, Pam Munoz. *Esperanza Rising*. New York, New York: Scholastic, 2002. This excellent book is the story of Esperanza Ortega, child of a privileged Mexican family that tragically loses their possessions in 1924 and is forced to become farm workers in California to survive. Esperanza has never worked in her life. The author

weaves in the complex issues of farmworker strikes and racism from a fresh perspective.

Working It Out, Conflict Resolution. AppleSeeds, A Cobblestone Publication. Carus Publishing Company, September 2003. How can we work it out—at home, at school, in our world? Students learn about Operation Respect, kid helpful steps at mediation, the importance of “listening”, Youth Courts for resolving issues, and some peace heroes. This excellent magazine is for grades 2-4.

Yee, Paul. *Tales from Gold Mountain: Stories of the Chinese in the New World.* Ontario, Canada: Groundwood Books, 1999. This history of brave Chinese immigrants is the basis for this collection of authentic folktales. The stories are unusual and strikingly illustrated.

Zannos, Susan. *Cesar Chavez*. Hockessin, Delaware: Mitchell Lane Publishers, 1998. The son of Mexican immigrants who lost their store during the Great Depression, Chavez grew up oppressed and poor, moving from crop to crop. Infuriated by the unfairness and racism of the farm owners, he organized a union, which changed the lives of many immigrants.

Non-Print

American Bar Association, *Guide to Dispute Resolution Process*

<http://www.abanet.org/dispute/draftbrochure.pdf>

This brochure prepared by the American Bar Association explains some of the dispute resolution processes students are asked to research in this lesson, such as mediation and arbitration. The last page includes links to other websites that might also be useful.

American Bar Association, *Raising the Bar*

<http://www.abanet.org/publiced/raisingthebar.html>

This feature focuses on individuals who have challenged barriers created by race or ethnicity or gender and achieved greatness in the legal profession. Searches can be conducted by category, including Women's History Month, Asian Pacific American Heritage Months, Black History Months, National Hispanic Heritage Months and national American Indian Heritage Month, or by name within one of this categories (i.e., Thurgood Marshall under Black History Months).

California Department of Education, *Cesar E. Chavez Model Curriculum Project*.

<http://www.cde.ca.gov/cesarchavez/>

This K-12 curriculum, adopted by the State Board of Education, includes several lessons appropriate for fourth-grade students. Suggested, as accompaniments to this lesson, are "Lesson 3 Cesar E. Chavez Used Nonviolence to Educate the Public", and "Lesson 5 Cesar Chavez, Dr. Martin Luther King Jr., and Civil Rights."

Cesar Chavez Project, *Teacher Resource Guide*

http://www.cesarchavezproject.org/resource_guide/index.htm

This is a collaborative project designed to encourage teaching about Cesar Chavez through poetry, art, essays and service learning projects. Site includes an extensive list of lessons, ideas and resources gathered from many sources to enable teachers to integrate the lessons of Cesar Chavez throughout the curriculum.

Court TV, *Choices and Consequences*

<http://www.courtTV.com/choices/empowering.html?sect=2>

One of the programs offered is entitled *Empowering Children in the Aftermath of Hate*. The resource guide is available for downloading, but the accompanying video of the same name is available for purchase. Two of the lessons are particularly relevant for this Guide, including one entitled *The Gift* (avoiding premature judgments about people) and *Scapegoating* (focuses on the Japanese Internment).

New Jersey State Bar Foundation, Students Corner, *Conflict Resolution*

<http://www.njsbf.com/njsbf/student/conflictres/elementary.cfm>

A manual to teach students conflict resolution skills is provided. The lessons cover important issues such as making choices, dealing with self esteem and honoring each other. Two lessons involve teaching students about peer mediation, which would be helpful for the first extension activity in this lesson.

Planet Tolerance.org, *For Kids*

<http://www.tolerance.org/pt/index.html>

This site is a project of the Southern Poverty Law Center and seeks to promote tolerance and replace hate with communities that value diversity. Of interest for this lesson is the story entitled “Strike for Three Loaves” about laborers in New England’s textile mills who fought for fair wages for a day’s work. Like Cesar Chavez, these workers used non-violent means to fight economic and social injustice. Teachers will also find many other ideas for classroom lessons under the Teacher section, including a story about Disability Bias.

School Mediation Center

www.csmp.org/index.htm

Information is available on-line as well as for purchase regarding establishing a school mediation center. The Articles link includes a document entitled *Recommended Guidelines for Effective Conflict Resolution Education Programs in K-12 Classrooms, Schools and School Districts* that appears particularly useful. The Tips link includes a short list of goals for positive conflict resolution that could be made into a classroom poster.

National Standards for Civics and Government

Grades 1-4 Content II (E) Prevention and management of conflicts. Students should be able to identify and evaluate ways conflicts about diversity can be prevented and managed.

Worksheet, “Ways to Solve a Problem”

Type of Problem Solving	Benefits of This Type	Drawbacks to This Type
Communication		
Mediation		
Negotiation		
Conflict Resolution		
Voting/Politics		
Boycott		

Worksheet, “Ways to Solve a Problem”

Type of Problem Solving	Benefits of This Type	Drawbacks to This Type
Strike		
Speeches		
Marches		
Fasting		
Arbitration		
Litigation		

Short-Handled Hoe

The short-handled hoe had a handle that was only 12 inches long. To use it, farm workers had to stoop, which caused pain, suffering and long term back problems. Cesar Chavez and the United Farm Workers Union (UFW) protested against use of the hoe. In 1969 Cesar Chavez said “[Growers} look at human beings as implements. But if they had any consideration for the torture that people go through, they would give up the short-handled hoe.”³⁴

The California Rural Legal Assistance (CRLA) agency, working with the UFW, wanted to help the workers. In 1968, they started a long and difficult legal battle to get rid of the short-handled hoe or “el cortito”. In 1972, they filed a petition with the Division of Industrial Safety. The lead attorney was Maurice Jourdane. The farmworkers were asking the Division to apply 8 California Administrative Code 3316 to the short-handled hoe. The law said that “Hand tools shall be kept in good condition and be safely stored. Unsafe hand tools shall not be used”. If the rule were interpreted to include the short-handled hoe, then farmworkers would no longer have to use it. The lead plaintiff was a 46 year old farmworker, Sebastian Carmona, who had suffered back pain from using the short-handled hoe. The petitioners also included other farmworkers from Salinas.

Beginning in September 1972, the CRLA presented their case before the Industrial Safety Board. Three public hearings were held. Eleven doctors, who either specialized in back problems or had extensive experience in treating farmworkers, testified at the hearings. They said that use of the short-handled hoe over a substantial period of time would cause the abnormal degeneration of the spine, resulting in irreparable back injury and permanent disability. Many farmworkers testified to the great physical agony and disability that they personally experienced from using the short-handled hoe.

The petitioners also presented evidence that many other states were using the long-handled hoe for all crops in most farming regions. The long handled hoe eliminated the need to stoop and thus reduced the potential for back pain. Many growers contested the farmworker claim that the long-handled hoe would work just as well as a short-handled hoe. They said that specific problems posed by particular crops such as strawberries and lettuce required the use of the short handled hoe because adequate weeding and thinning could not be efficiently done with a long-handled hoe.

The decision from the Industrial Safety Board said that “the testimony failed to prove that the short-handled hoe was an unsafe tool within the purview of 8 California Administrative Code 3316.” They said that they could not ban the tool under existing law because the law deals more with maintenance of tools. “The evidence dealt with the use of the short-handled hoe. The tool itself was not proved to be inherently dangerous. The board felt that a general prohibition of the short-handled hoe would be an arbitrary and unreasonable extension of its authority.” Thus, the petitioners decided to file a case with the Supreme Court of California, Carmona v. Division of Industrial Safety.

³⁴ Quote from Paradigm Productions: Voice and Images, <http://www.paraadigmproductions.org/voices/voices.html>, accessed 9/11/03.

The Supreme Court considered the evidence submitted in the case. They looked at the testimony of the doctors and the farmworkers and the decision issued by the agency. They reviewed existing law and other court decisions. On January 13, 1975, the Court announced a unanimous decision. They found that “any hand tool which causes injury, immediate or cumulative when used in the manner in which it was intended may constitute an “unsafe hand tool” with the meaning of the regulation. If the short-handled hoe is so designed that it can be used by the worker only in a stooped posture that is dangerous to his health, then the tool could be found an “unsafe hand tool.”” The decision required the Division of Industrial Safety to set aside its earlier decision and reconsider it in accordance with the Supreme Court’s opinion.

In March of 1975, the original regulation concerning hand tools was repealed. Later, the original law was clarified to specifically prohibit use of a short-handled hoe for farming. The current rule is found in California Code of Regulations, Title 8, Section 3456. Hand-Held Tools, section (b):

“The use of a short-handled hoe or any other short-handled hand tool is prohibited in agricultural operations, as that term is defined in Section 3437 or Title 8, California Administrative Code, for weeding, thinning or hot-capping when such hoe or short-handled hand tool is used in a stooped, kneeling or squatting position. A long-handled hand tool used for these operations shall not be used as a short-handled hand tool in a stooped, kneeling or squatting position.”

This regulation however did not stop all the backbreaking work. For example, it did not ban hand weeding. Farmworkers want hand weeding banned as it may contribute to back, shoulder, wrist and hand injuries. Farmers say hand weeding is essential as hoes damage delicate crops like strawberries and the weeds must be removed. This disagreement continues in 2003.

Worksheet, “In My Own Words”

Cesar Chavez, “There is dignity in every job, including feeding the world.”	
Cesar Chavez, “We are not helpless. We are not pawns. If we get together, and stick together, we can change things. We can make a difference.”	
Cesar Chavez, “When you organize, you must dig it bit by bit, very deliberately and carefully. It’s like digging a ditch. You take one shovelful at a time.”	
Cesar Chavez, of the growers’ use of the short-handled hoe, “There is no need for such cruelty. I never want to see that again, not until I can do something about it.”	
Dolores Huerta, “I couldn’t stand seeing kids come to class hungry and needing shoes. I thought I could do more by organizing farm workers than by trying to teach their hungry children.”	
Paul Chavez, son of Cesar, “My father was just a regular man with humble beginnings. It was his faith and commitment that made a difference. He inspired ordinary people to do extraordinary things.”	
Paul Chavez, “The work is longer than the life.”	
Fernando Chavez, grandson of Cesar, “Children should know about what my grandfather did so they will be inspired to help others.”	
Fernando Chavez, “I hope that migrant families can have a normal life, in a normal house.”	
Fernando Chavez, “I’m proud that my grandfather is in history books. But it puts a lot of pressure on me—I can’t put a bad name on my grandfather or family. I know that I need to stay under control.”	

U.S. Constitution and the 3 Branches³⁵

Grade Level and Number of Class Periods:

Grade 4; three class periods

Alignment to California Content Standards:

History-Social Science

4.5.1 Discuss what the U.S. Constitution is and why it is important (i.e., a written document that defines the structure and purpose of the U.S. government and describes the shared powers of federal, state and local governments).

³⁵ The original lesson entitled *U.S. Constitution and Amendments* (Lesson Plan #:AELP-GOV0044) was submitted to AskERIC by Hollie Boyle of Bandera Junior High, Texas. This version has been modified for fourth graders. The original lesson is made available at http://askeric.org/cgi-bin/lessons.cgi/Social_Studies/US_Government

English-Language Arts

Vocabulary and Concept Development

1.6 Distinguish and interpret words with multiple meanings

Comprehension and Analysis of Grade-Level Appropriate Text

2.2 Use appropriate strategies when reading for different purposes (e.g., full comprehension, location of information...)

Writing strategies

1.3 Use traditional structures for conveying information...

Organization and Delivery of Oral Communication

1.7 Emphasize points in ways that help the listener or viewer to follow important ideas and concepts.

Speaking Applications

2.4 Recite brief poems, soliloquies, or dramatic dialogues, using clear diction, tempo, volume, and phrasing.

Key Words or Terms:

appeal

blessings of liberty

common defense

democracy

domestic tranquility

establish justice

executive branch

general welfare

**House of
Representatives**

impartial

impeachment

judicial branch

judicial independence

judicial review

legislative branch

jurisdiction

preamble

President

republic

senate

separate but equal

separation of powers

U.S. Constitution

U.S. Supreme Court

unconstitutional

veto

Lesson Overview:

Students explore the meaning of the Preamble to the United States Constitution as well as Articles I, II and III. The lesson starts with a discussion regarding the purpose of the Constitution and a resource scavenger hunt to learn what the words of the Preamble mean. Small groups use a variety of resources to identify specific powers of the executive, legislative and judicial branches. This learning is reinforced through a “Claim Your Powers” game.

Lesson Objectives:

1. Understand the purposes of government listed in the Preamble.
2. Become familiar with Articles I, II and III of the U. S. Constitution.
3. Understand the concept of separation of powers.
4. Recognize the powers of the Executive, Legislative, and Judicial branches that are listed in the Constitution.

Materials Needed:

- copies of the Constitution for six student groups
- 12 pieces of butcher paper
- news magazines and/or newspapers
- access to dictionaries
- access to the Internet
- one copy per student group of Judicial Branch Overview; 6 copies total
- student copies of Worksheet-Judicial Branch Basics page 57
- “Claim” and “Do Not Claim” signs for six student groups

Lesson Procedures:

It is suggested that the lesson start with a class discussion,

- **What is a Constitution?**
- **Why does the United States have a Constitution?**
- **What does the Constitution provide for the government? for the people?**
- **How is the United States Constitution organized?**

Questions, such as these, help students to reflect upon what they already know and set the stage for new learning.

Organize the class into six groups. These groups continue to work together throughout the lesson. Each group scans a copy of the U.S. Constitution and identifies the different parts: the Preamble, General Provisions, First 10 Amendments, Remaining Amendments.

1. Review the Preamble to the Constitution with students. A full page copy is found on page 55. Copies can be used to make an overhead transparency for the class review and one copy is cut into strips so each group can select a phrase for investigation.

We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Each of the six student groups “draws” one strip representing a phrase of the preamble for investigation. The six phrases to be investigated should include the opening statement. The last phrase of the preamble can be used for a closing class discussion. Students use dictionaries, the Internet or print resources, library and textbook resources, and interviews with family members and other adults to learn what each of the phrases in the Preamble means. Each group comes to conclusion on meaning and shares their findings with the class. Do others agree? Why is the Preamble to the Constitution an important part of the document?

2. Put up six pieces of butcher block paper around the room, each one representing a purpose of government found in the Preamble. (To form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote general welfare, and secure the blessings of liberty.) The students undertake a scavenger hunt using a copy of the Constitution or the Resources listed in the print and non-print sections of this lesson to identify where in the Constitution these purposes of government can be found. For example under “Establish Justice”, students would write Article III which established the federal courts.
3. Keeping the same six groups, assign two groups to represent each branch of government; executive, legislative, and judicial. If needed, teacher provides a brief overview of the federal government. Note that the balance of power provides for a monitoring function and the separation of powers insures that no one branch has too

much power over the others. One source suggests thinking of it as a three- legged stool: “No one leg can stand on its own.”³⁶

Each group is given a long strip of butcher block paper. The name of their assigned branch is written at the top of the page. Using magazines, newspapers, library sources and the Internet, student groups find five pictures each that illustrate facts about their branch contained in the Constitution (such as powers granted, powers denied or shared, qualifications for office). The picture is pasted on the butcher block paper, with an explanation written below and where the information was found in the Constitution. For example, the President’s military power could be illustrated with a picture of a serviceman with the words “President is commander in chief of the military, Article II, Section 2, Clause 1” Each picture must depict a different part of the Constitution. Since two groups will be working on each branch, duplications are to be expected. This is fine, in fact it will reinforce the learning.

4. To give students a more in depth understanding of the judicial branch than what is found in Article III, the teacher reads The Judicial Branch, page 56. Students work independently to complete the Worksheet-Judicial Branch Basics, on page 57. Students then discuss their responses in the groups and come to a consensus.

³⁶ American Bar Association, *Law & the Courts, Volume I: The Role of the Courts*. (Chicago, Illinois: American Bar Association), page 5.

5. Students play a game of “Claim Your Powers”.
- Provide each group with two signs: "Claim" and "Do Not Claim". Each “branch” will also need the butcher block paper with the powers they identified as a reference. Tell the class that in this activity they will be acting as a branch of government and that it is their responsibility to maintain the powers granted to them in Articles I, II, or III of the Constitution.
 - Teacher reads a series of facts related to the powers of each branch. (Some examples that may be used are found below and the teacher should feel free to add additional facts.).
 - After each situation is read, each group will have one minute to discuss the situation and decide if the power described belongs to its branch.
 - At the end of one minute, the leader will say the word "vote" and each group must hold up a card, either "Claim" or "Do Not Claim." Every group must vote on each situation.
 - Each group will then explain its reasons for its decision, and the teacher and students representing the other two branches will rule on the accuracy of the choice.
- Scoring is as follows:
- Two points will be given for correctly claiming and justifying the claim of power.
 - One point will be given for correctly voting to not claim a power.
 - A zero will be given to a group incorrectly claiming or not claiming a power.

The teacher uses the following or other facts for the “Claim Your Powers” game:

- Laws may be declared unconstitutional by this branch (Judicial)
- This branch nominates Supreme Court justices (Executive).
- Bills must be signed by this branch before they become laws. (Executive)
- This branch authorizes government spending. (Legislative)
- Lifetime appointments are provided for this branch. (Judicial)
- Writing laws is a major responsibility of this branch. (Legislative)
- The power to veto laws is given to this branch. (Executive)
- Disputes between states would be handled by this branch. (Judicial)
- This branch can overturn a veto. (Legislative)
- The power to decide whether actions of the other branches are legal belongs to this branch. (Judicial)
- This branch has the power of Commander in Chief of the Military. (Executive)
- The term in office is six years. (Legislative-Senate).
- War can only be declared by this branch. (Legislative)
- No qualifications for office are listed for this branch in the Constitution. (Judicial)
- One of the qualifications for this branch is reaching 35 years of age. (Executive)
- This branch establishes lower federal courts. (Legislative)
- This branch is responsible for insuring the laws are faithfully carried out. (Executive)

Lesson Evaluation:

Students write a short essay on the topic, What is the United States Constitution and Why Is It Important? NOTE to the teacher: Responses should include that the Constitution is a written document, limits the powers of government by saying what government can and cannot do, is the highest law in the land, and creates certain rights for people.

Extension Activities/Lessons:

1. Students form small groups and imagine they are creating an after school activities club in their neighborhood. The group selects a name and purpose for the club. This Club needs a form of government for it to achieve its goals. Using the Worksheet –“Creating a Government”, students work in their groups and discuss the questions. Tell students that these are the kinds of questions the framers of the Constitution might have asked as they were deciding how to create a government to achieve the goals listed in the Preamble. Answers are written in **Column Two**. Each group selects a spokesperson to present their ideas to the class.
3. Students draw a picture, diagram, or cartoon of how they envision the balance of powers among the three branches.
4. Students read either *So You Want to be President* or *Meet My Grandmother She’s a Supreme Court Justice*. Students write an essay answering the question “Why I would want to be President or a Supreme Court Justice”, depending on the literature choice.
5. Students use the Internet or library resources to find out about the life of Thurgood Marshall and write a brief report. The report should include a brief discussion of his childhood, what led him to become a lawyer, highlights of his career on the Supreme Court and include 3 reasons why he is remembered as a great civil rights leader.
6. Students work together, as did the framers, to create a “class Constitution”. The Constitution includes “laws”, “roles”, and “responsibilities”. How are responsibilities shared so that there is a balance of power?

Resources:

Print

Catrow, David. *We the Kids: The Preamble to the Constitution of the United States*. Dial Books for Young Readers, 2002. Cartoon illustrations of a group of diverse friends on a camping trip are used to explain to children the meaning of the words contained in the Preamble.

Discover American History. The Branches of Government, Balancing the Power. Cobblestone. January, 2003. This issue includes articles that explain terms such as “republic”, “democracy”, the Roosevelt court packing plan, civil rights and the facts of federalism.

Johnson, Linda Carlson. *Our Constitution*. Millbrook Press, 1994. Describes the creation of the Constitution and surveys the ideas in the U.S. Constitution.

Levy, Elizabeth. *If You Were There When They Signed the Constitution*. New York, New York: Scholastic, 1992. Includes why the constitution was written, its key points, information about the Bill of Rights and amendments, information about key delegates and debates surrounding the signing of the Constitution.

Mcelroy, Lisa. *Meet My Grandmother She's a Supreme Court Justice*. Brookfield, Connecticut: Millbrook Press, 2000. Told from a child's perspective, this photo essay explains and illustrates the job of a Supreme Court justice in regular terms. Positive character traits and behaviors are emphasized.

St. George, Judith. *So You Want to be President*. New York, New York: Philamel Books, Penguin Putnam Books for Young Readers, 2000. A Caldecott Medal winner for 2001, this book includes facts, background, history on the presidency, presidents and related laws.

Thurgood Marshall and Civil Rights. Footsteps African American History. Peterborough, New Hampshire: Cobblestone Publishing, March/April, 2003. This magazine includes articles about Thurgood Marshall's early life, the discrimination he experienced, famous civil rights cases he argued as a lawyer, and his appointment to the Supreme Court.

Non-print

American Bar Association Division for Public Education, *Courts and Legal Procedure*

http://www.abanet.org/publiced/courts/court_role.html

A good overview of how courts work is provided including the role and structure of courts, courts and legal procedure, steps in a trial, being a judge and mediation. Although the reading level may not be appropriate for all students, this site is a useful reference to increase understanding of the workings of the judicial branch.

Federal Judicial Center, *History of the Federal Judiciary*

<http://www.fjc.gov/history/home.nsf>

Judges of the United States Courts includes a biographical database with facts about each justice. Search by name of the justice or use the alpha index. Milestones of judicial service would also be of interest to students, including such facts as the youngest and oldest justices, firsts and impeachments. Courts section includes histories of each type of federal court. The Historic Courthouse photograph exhibit includes several California courthouses (click on the courthouse location to access a photograph and history of a specific courthouse).

Internet Public Library: *POTUS Presidents of the United States*

<http://www.ipl.org/div/potus/>

Extensive information about Presidents of the United States, including background information, election results, cabinet members, notable events, and some points of interest on each of the presidents.

Supreme Court of the United States

<http://www.supremecourtus.gov/>

The official web site of the Supreme Court includes detailed information about the court, its work, specific cases, procedures, etc. The section entitled *About the Supreme Court* may be particularly helpful to students as it includes a brief overview of the Supreme Court, history, biographies of current justices, former justices and more.

The Office of the Clerk, Kids in the House, *The Learning Center*

http://clerkkids.house.gov/learn_center/index.php

The Clerk of the House of Representatives provides this site for children. Includes information about the U.S. government, house members and leadership, house history, how laws are made and key words and terms.

The White House, *Whitehousekids.gov*

<http://www.whitehouse.gov/kids/>

Some of what is provided includes biographies of the President, First Lady, Vice President and wife, a virtual tour of the White House, Americans of various walks of life who have made significant contributions, presidential biographies and a teacher's guide.

U.S. Government Printing Office, *Ben's Guide to U.S. Government*

<http://bensguide.gpo.gov/3-5/government/branches.html>

This section includes a diagram illustrating the branches, a glossary of terms, links to basic information about each branch.

United States Senate

<http://www.senate.gov/>

Students can access the websites of California Senators by selecting California from the "choose a state" box. Once this is selected, the two senator's names appear and their websites can be accessed. Senators have included information developed for students on their websites.

U.S. Courts, *Educational Outreach*

<http://www.uscourts.gov/outreach/>

An on-line manual entitled *Understanding the Federal Courts* provides comprehensive information regarding the various levels of federal courts, procedures, jurisdiction, work of judges. Although written at the high school level, the introductory sections as well as the charts may be useful for elementary school students or teacher read aloud.

National Standards for Civics and Government

Grades 1-4 Content III (A) Meaning and importance of the United States Constitution.
Students should be able to describe what the United States Constitution is and why it is important.

PREAMBLE-UNITED STATES CONSTITUTION

We the people of the United States, in
order to form a more perfect Union,

establish Justice,

insure domestic Tranquility,

provide for the common defense,

promote the general Welfare,

and secure the Blessings of Liberty to
ourselves and our Posterity,

do ordain and establish this Constitution
of the United States of America.

The Judicial Branch

The judicial branch is one of the three branches of government provided for in the U.S. Constitution. The judicial branch interprets and applies the law to resolve disputes between parties. Disputes that come before the courts are both large and small, and include many different types of cases. In order to insure that the court process is fair to all parties, judges must be impartial.

The U.S. Supreme Court is the highest court in the land. Its rulings help explain the meaning of the Constitution and federal laws. It has the power to declare laws unconstitutional. This power, called judicial review, is not in the Constitution but came from a famous court decision *Marbury v. Madison* issued in 1803.

The power of the court to declare laws unconstitutional is essential to insuring that the Constitution and not “ordinary statutes” is the supreme law of the land. A very famous Supreme Court case, *Brown v. Topeka Board of Education*, illustrates this point. This case, argued by a lawyer named Thurgood Marshall, challenged a system of “separate but equal” public schools for “colored” and white children. For many years, public schools as well as buses, restaurants, restrooms and even water foundations were designed for the use of whites only with separate facilities, usually not equal, provided for blacks. This system was allowed due to various laws and practices in existence around the country. The Supreme Court unanimously ruled in the *Brown* case that separate educational facilities are “inherently unequal” and violate the 14th Amendment of the Constitution. Sometimes decisions made by the Supreme Court and other courts are not popular with every citizen of our country, but because the courts are independent from the other branches of government, judges can make these decisions based on what is right according to the law.

Besides the Supreme Court, the federal court system includes district courts, courts of appeal and other special courts. The district courts serve as the trial courts for federal cases. These courts listen to the evidence presented and make a decision. If there is an appeal, a request from a party to review the decision made by another court, it would be filed with the U.S. Court of Appeals. Only a few of these cases would be appealed again to the U.S. Supreme Court. The nine Supreme Court Justices (including one Chief Justice) are nominated for office by the President but must be approved by the Senate. The approval process is the same for all federal judges. Federal judges are appointed for life unless they are impeached and convicted. A judge who was impeached but found not guilty would remain in office.

In addition to the federal courts, each state has its own distinct court system. These courts handle the majority of court cases filed in the United States, as most of the disputes between parties involve state, not federal laws. California’s court system is provided for in its constitution and includes superior courts, appeals courts and a Supreme Court.

WORKSHEET- Judicial Branch Basics

1. The power to declare a law unconstitutional is called _____
_____.
2. The U.S. Supreme Court has nine _____ including one _____
_____.
3. The name of the case that said _____ but _____ is
_____ was *Brown v. Topeka Board of Education*.
4. Future Supreme Court Justice _____ was one of the
lawyers who successfully argued the *Brown* case.
5. The _____ nominates federal judges but the _____ must
approve the nominations.
6. _____ allows judges to make decisions without
worrying if the decision will be popular.
7. The federal trial courts that hear testimony and other evidence are called
_____ courts.
8. Judges must be _____ to insure all parties are treated fairly.
9. When someone wants a higher court to review a decision they file an
_____.
10. Most of the court workload in the United States is handled by the _____
courts.

Worksheet-“Creating a Government”³⁷

Column One-Question	Column Two-Group Response
1. How will you make sure that anyone who feels unjustly treated will have a place to air his or her complaints?	
2. How will you make sure that people can have peace and quiet to run meetings?	
3. How will you make sure that group members will help if outsiders arrive who disturb your group?	
4. How will you make sure that everyone has the same opportunity to use the meeting place?	
5. How will you make sure that group members will be free to say or do what they want as long as it doesn't hurt anyone else?	
6. How will you make sure that the rules and organizations you develop protect future club members?	

³⁷ Idea adapted from *the Preamble to the Constitution: How Do You Make a More Perfect Union?*, made available at the EDSITEMent website, <http://www.edsitement.neh.gov/>.

Did You Know? A California State Government Fact Quest³⁸

Grade Level and Number of Class Periods:

Grade 4; two -three class periods

Alignment to California Content Standards:

History-Social Science

- 4.5.2 Understand the purpose of the California Constitution, its key principles and its relationship to the U.S. Constitution.
- 4.5.4 Explain the structures and functions of state governments, including the roles and responsibilities of their elected officials.

English-Language Arts

Writing Strategies, Research and Technology

- 1.7 Use various reference materials (e.g., dictionary, thesaurus, card catalog, encyclopedia, online information) as an aid to writing.

Writing Applications, Write narratives

- 2.1.a. Relate ideas, observations, or recollections of an event or experience.
- 2.1.d Provide insight into why the selected event or experience is memorable.

Listening and Speaking, Organization and Delivery of Oral Communication

- 1.5 Present effective introductions and conclusions that guide and inform the listener's understanding of important ideas and evidence.

Key Words Or Terms:

bill	California Senate	inseparable
California Assembly	California Superior Courts	inviolable
cabinet	California Supreme Court	resolution
California Courts of Appeal	Declaration of Rights	supreme law
California Governor	disputes	

Lesson Overview:

Important information about the California Constitution and state governing structure is conveyed through the “each one, teach one” learning method. By giving students the responsibility for teaching each other, students become engaged and interested in learning what could otherwise be dry information. Students also undertake a web based investigation of county governments of California. Student learning is reinforced through class discussion.

Lesson Objectives:

- 1. Become familiar with key aspects of the California Constitution.
- 2. Understand the roles and responsibilities of the branches of state government.
- 3. Identify functions of local government at the county level.
- 4. Use analytical and research skills to gather information.

³⁸ The California Judicial Education for Youth Project acknowledges the Pennsylvania Bar Association and LEAP-Kids, Inc. for the *Each One, Teach One* learning approach.

5. Enhance listening and oral communication skills.

Materials Needed:

- student access to Internet
- one copy of fact cards pages 65- 79
- list of county names page 79
- sufficient copies of Worksheet –California County Profile, for student pairs
- teacher answer key page 78
- county map page 80
- California road map

Lesson Procedures:

1. Teacher provides a brief overview of the structure of California government, using teacher selected resources. An extensive list of non-print Resources are included in this lesson that may be helpful.
2. Teacher makes a copy of the facts about the California Constitution, and California government structure and branches starting on page 65 . Each fact is cut out of the sheet and placed in a bowl or other container. There are 36 facts provided. Teachers may choose to use all of the fact cards or to select specific facts and have them used more than once.
3. Students select a fact card (or cards) from the bowl. Each card has one of three instructions: 1) to fill in missing information 2) write a definition for a word or words in *italics*, or 3) rewrite the fact in student's own words. Missing information can be found on one of the websites listed in the non-print section of Resources in this lesson. For example, if a student's fact relates to the judicial branch, the student should access the California Courts website to find the needed information. All students may find the California State Capital website useful, particularly the *Citizens Guide area*, as it covers major responsibilities of the three branches.
4. Students take their completed facts to the teacher to confirm the accuracy of the information collected. Classroom aides, parents and other volunteers may help insure this process proceeds smoothly. An answer key for the fill in the blank facts is included on page 78. If the information collected is incorrect, the student should continue their research. Note: not all cards have a corresponding answer on the answer key. For example, if the student was instructed to rewrite the fact in their own words, the teacher or other adult should review the rewrite to confirm that the meaning is still accurate.
5. Once all students have completed their fact card assignment, teacher designates each student in the class as group A or B. Group A will be the first to teach their fact to other students. Group A will be given sufficient time to teach their fact to at least two students in Group B. Group B will then teach at least two students in Group A their fact.

6. Class gathers as a group. Teacher calls on each student to report on a fact they learned from someone else. What did they learn? Why is this important?
7. Teacher reinforces the learning by asking the following or similar questions and writes the answers on the board or a flip chart:
 - What was the most important fact you learned about
 1. the California Constitution,
 2. judicial branch,
 3. executive and
 4. legislative branches?
 - How is the government structure of California similar to that of the federal government?
 - How is California's government different from that of the federal government?
 - What information was difficult to understand?
 - What else would you like to know about state government?
8. What does the governing structure look like at the county level? Teacher assigns pairs of students one of the 58 counties to research. (A list of county names is provided on page 79 and a map is found on page 80). Each pair will complete the Worksheet-California County Profile for their assigned county. The California State Association of Counties (CSAC) website listed in the non-print section of Resources includes information needed to complete the worksheet. The CSAC site also has links to individual county websites.

Lesson Evaluation:

Students write a diary entry: My day as California's Governor (or Legislator, or member of the California Supreme Court). The diary entry begins with an introduction of the job requirements and "my" qualifications, and then continues with events and responsibilities of the day.

Extension Activities/Lessons:

1. Students access the Capital Museum Legislative History website found in the non-print Resources section. Students identify laws passed during their lifetime. Students select the law they think was the most important and answer the following questions: What problem did the law seek to solve? Why was this problem important to address? What other solutions can you think of to address the problem?
2. Teacher divides students into groups representing the three branches of California government: judicial branch, the legislative branch and the executive branch. Students create a poster illustrating the role and responsibilities of their assigned branch of government.
3. Students select a California Governor, Legislator, or Justice of the California Supreme Court to research and write a mini biography. Research should include a summary of the individual's education, background experiences, and career highlights. The information can be found in the California Courts, California Governor and California Legislature websites listed in the non-print section of

Resources. If this person is from the local area, further information might be obtained from the local newspaper.

Resources:

Print

Comstock, Esther. *Vallejo and the Four Flags*. Comstock Bonanza Press, 1979. This book about Mariano Guadalupe Vallejo includes an excellent narrative of the framing of California's Constitution and Vallejo's role as a citizen of Mexico and of California.

Herda, D.J. *Earl Warren: Chief Justice for Social Change*. Springfield, New Jersey: Enslow Publishers, 1995. Earl Warren was attorney general and governor of California before he became one of our most famous U.S. Supreme Court Justices.

Jacobstein, Bennett. *A Constitution for California*. Toucan Valley Publications, 1999. Answers questions such as: What is a Constitution? Why was a Constitution needed? What happened at the 1849 Constitutional Convention? What are the articles of the current constitution?

Pellegrino, Marjorie White. *My Grandma's the Mayor*. Washington, District of Columbia: Magination, 1999. A town emergency brings appreciation of the role of mayor.

Schaechtele, Molly Shoemaker. *The Governors of California and Their Portraits*. State Capitol Museum, 1995. Includes biographical sketches of 19th Century governors: Burnett, McDougall, Bigler, Johnson, Weller, Latham, Downey, Stanford, Low, Haight, Booth, Pacheco, Irwin, Perkins, Stoneman, Bartlett, Waterman, Markham, and Budd. Also available are biographical sketches of 20th Century California governors: Gage, Pardee, Gillett, Johnson, Stephens, Richardson, Young, Rolph, Merriam, Olson, Warren, Knight, Brown, Reagan, Brown Jr., Deukmejian, Wilson.

Statehood. California Chronicles. Peterborough, NH: Cobblestone Publications, May 2000. Includes articles about achievement of statehood and the Compromise of 1850, laws and issues of the Mexican government, Vallejo (a Californio for statehood), information about California statehood and government, and the State Seal.

Non-print

Official California Legislative Information, State Constitution, *Table of Contents*
<http://www.leginfo.ca.gov/const-toc.html>
Links to the Articles of the California Constitution.

California State Guide to Government from the League of Women Voters

<http://www.smartvoter.org/gtg/ca/state/>

Comprehensive description of the role, responsibilities and procedures of various branches and levels of government. For this lesson, see the sections on the legislature, state executive government and county government. A section on the judicial branch is planned but as of 12/08/03 it was not available.

California Courts, The Judicial Branch of California, *Courts*

<http://www.courtinfo.ca.gov/courts/>

The *Courts* section includes information about the California Supreme Court, Courts of Appeal and the Superior Courts. Students can research the history of the Supreme Court, learn about justices currently on the bench, take a “day in the life” tour of three different superior courts, find the location of the superior court in their county. To find information about a current Supreme Court Justice, click on Courts, Supreme Court and Justices. Highlighted links lead to biographies of each of the seven sitting justices.

California Governor

http://www.governor.ca.gov/state/govsite/gov_homepage.jsp

A brief biography and picture or photo is provided of each governor from 1850 to the present under the *California's Governors* link from the home page. Click on the index of governors to select a particular governor's biography.

California State Association of Counties, *Counties Close Up*

http://www.csac.counties.org/counties_close_up_menu.html

Access information about what counties do, county history, county information (includes population data), a map of California that shows the counties, links to individual county websites. Maps of each county are also provided under the *California Legislative Districts* link. To find information about a specific county, click on the *Counties' Websites* link and then the web link for the county.

California State Senate

<http://www.senate.ca.gov>

Students can find the names of their state representatives via this site. (Click on Senator, Your Senator, enter street address, city and zip code, find). The names of the senator and assembly member appear, linked to the websites of the individual senator or assembly member. The members' websites include biographical information.

California State Capitol, *Citizens Guide*

<http://capitolmuseum.ca.gov/english/citizens/index.html>

Access to information about the California executive, judicial and legislative branches of government is available in a concise format. The lifecycle of a bill is also shown in a flowchart as well as narrative form. The section entitled *We Work for You* explains duties and responsibilities of various government officials. *Get Involved* includes access to sites that explain policy issues as well as ways to express your opinion to government decision-makers.

California State Capitol, California Legislature, *Legislative History*

<http://capitolmuseum.ca.gov/english/legislature/history/index.html>

Key pieces of legislation passed between 1900 and 2000 are listed on a timeline. Students can view the list of laws to see the types of issues dealt with at a particular point in time. To find out more, click on one of the icons located next to a specific topic and year, such as 1911-labor reform. A brief summary of the labor reform laws passed in 1911 will appear.

Learn California.org

<http://www.LearnCalifornia.org/doc.asp?id=805>

Provides information about levels of government in California, and information for identifying local elected officials using research materials.

National Standards for Civics and Government

Grades 1-4 Content III (C) Major responsibilities of state government. Students should be able to explain the most important responsibilities of their state government.

Grades 1-4, Content III (D) Major responsibilities of local government. Students should be able to explain the most important responsibilities of their local government.

Facts about the State of California and its Constitution

SCC1

The California Constitution establishes the structure of the state government, authority of the three branches and the rights of California citizens.

Rewrite in your own words:

SCC2

California was admitted into the Union on September 9, 1850 as a free state, without ever having been a territory.

Rewrite in your own words:

Facts about the State of California and its Constitution (continued)

SCC3

The California Constitution of 1849 included a Bill of Rights, prohibited slavery, provided for a public school system, limited state indebtedness, gave married women the right to own property and required publishing of laws in English and Spanish.

Rewrite in your own words:

SCC4

Article III of the California Constitution says that California is an

_____ part of the United States of America and that the
U.S. Constitution is the _____ of the land.

Fill in the blanks.

SCC5

Article II of the California Constitution provides that any citizen who is

_____ and a _____ may
vote.

Fill in the blanks.

Facts about the State of California and its Constitution (continued)

SCC6

Article I, Section 29 includes the right to due process of law and to a

_____ and _____ trial.

Fill in the blanks.

SCC7

Article I, Section 16 says that trial by jury is an *inviolate* right and shall be secured to all.

Define the word in *italics*:

SCC8

Article I includes the _____

_____, similar to the Bill of Rights in the U.S.

Constitution.

Fill in the blanks.

Facts about the State of California and its Constitution (continued)

SCC9

Article II, Section 13, says that a recall is

Fill in the blank.

Facts about the Legislative Branch of California

LB1

The motto of the Assembly is

Fill in the blank.

LB2

The motto of the Senate is

Fill in the blank.

Facts about the Legislative Branch of California (continued)

LB3

In a regular session, the Legislature will consider thousands of *bills* in addition to constitutional amendments and other *resolutions*.

Define the words in *italics*:

LB4

Three steps a bill must go through before it becomes law are

_____, _____,

and _____.

Fill in the blanks.

LB5

The California Legislature includes a _____ and

_____. The major function of the legislature is to

_____. _____.

Fill in the blanks.

Facts about the Legislative Branch of California (continued)

LB6

There are _____ elected members of the Assembly. Assembly members are elected to _____ year terms. They may serve a maximum of _____ terms.

Fill in the blanks.

LB7

There are _____ Senators. Senators are elected to _____ year terms. They may service a maximum of _____ terms.

Fill in the blanks.

LB8

The Legislature has the sole power to introduce bills which if passed by both Houses and signed by the Governor, become laws.

Rewrite in your own words:

Facts about the Legislative Branch of California (continued)

LB9

The Legislature may override the Governor's *veto* of a law, if enough members (2/3 of each house) vote to do so.

Define the word in *italics*:

Facts about the Executive Branch of California

EB1

Article V., Section 2 of the Constitution provides that the Governor shall be elected every _____ years. The Governor may serve no more than _____ terms.

Fill in the blanks.

EB2

The Governor is the only official _____ between California and the _____ government.

Fill in the blanks.

Facts about the Executive Branch of California (continued)

EB3

The Governor must prepare an itemized _____ and
_____ of the _____
address in January.

Fill in the blanks.

EB4

Supreme _____ is vested in the Governor
whose duty it is to see that the law is _____
_____.

Fill in the blanks.

EB5

The Governor has a *cabinet* to advise him on major issues.
Define the word in *italics*.

Facts about the Executive Branch of California (continued)

EB6

The Governor makes _____ for judicial
_____, including the California Supreme Court.

These are later confirmed by the voters.

Fill in the blanks.

EB7

The Governor has the appointment power to fill many statewide offices but
they must be _____ by the _____
_____.

Fill in the blanks.

EB8

The Governor is _____
_____ of the state militia (National Guard).

Fill in the blanks.

Facts about the Executive Branch of California (continued)

EB9

All bills passed by the _____ are sent to the Governor for signature. The Governor has three choices _____, _____ or not do anything. If he doesn't do anything within 12 days, the bill becomes law.

Fill in the blanks.

Facts about the Judicial Branch of California

JB1

There are _____ justices on the California Supreme Court, including one _____.

Fill in the blanks.

JB2

The Supreme Court of California is the _____ court in the state.

Its decisions are *binding* on all other California Courts.

Fill in the blank and write a definition for the word in *italics*.

Facts about the Judicial Branch of California (continued)

JB3

The Supreme Court of California has the _____ to review _____ of the state Courts of _____.

Fill in the blanks.

JB4

The California Courts of *Appeal* decide questions of law, such as if the superior court judge applied the law correctly.

Define the word in *italics*:

JB5

The _____ of the California Supreme Courts and Courts of Appeal are appointed by the _____ to _____ year terms.

Fill in the blanks.

Facts about the Judicial Branch of California (continued)

JB6

California has _____ trial courts. One in each _____.

These courts are also known as _____.

Fill in the blanks.

JB7

In the trial courts, judges and sometimes a _____

hears _____

and other evidence.

Fill in the blanks.

JB8

Superior Courts have the authority to summon eligible citizens to serve on jury

duty. Qualifications for jury duty include being a U.S. citizen at least

_____ years old, possessing _____ intelligence

and sufficient knowledge of the _____.

Fill in the blanks.

Facts about the Judicial Branch of California (continued)

JB9

California Courts provide for the orderly settlement of *disputes*, determine guilt or innocence of those *accused*; preserve the distinction between the different branches of government, as provided by the Constitution, and to protect the rights of individuals.

Define the words in *italics*:

Teacher Answer Key-Student Fact Research
Numbers (ex SCC1) correspond to number on fact card.

Fact Key-Constitution	Fact Key-Legislative Branch
SCC1- student rewrite	LB1-“It is the duty of Legislators to make just laws.”
SCC2 –student rewrite	LB2 –“It is the duty of a Senator to guard the liberty of the Commonwealth.”
SCC3- student rewrite	LB3-explained by the author, voted on by a roll call vote
SCC4 – inseparable, supreme law	LB4- <i>bill</i> “a statute in draft before it becomes law.” <i>resolution</i> “an opinion expressed by one or both houses of the Legislature which does not have the force of law”
SCC5-18 (or 18 years of age), resident in this state	LB5-senate, assembly, make laws
SCC6- speedy, public	LB6-80, two, three
SCC7- <i>inviolate</i> - unaltered: not subject to change, damage, or destruction	LB7-40, four, two
SSC8-Declaration of Rights	LB8-student rewrite
SCC9-Recall is the power of the electors to remove an elective officer.	LB9- <i>veto</i> “the act of the Governor disapproving a measure”

Fact Key-Executive Branch	Fact Key-Judicial Branch
EB1- fourth, two	JB1 – seven, Chief Justice
EB2 – liaison, federal	JB2 – highest, <i>binding</i> “impose a legal obligation to follow”
EB3- budget, state, State	JB3 – authority, decisions, Appeal
EB4- executive power, faithfully executed	JB4 – <i>appeal</i> “a proceeding in which a case is brought before a higher court for review of a lower court's judgment for the purpose of convincing the higher court that the lower court's judgment was incorrect”
EB5- <i>cabinet</i> “persons appointed by a head of state to head executive departments of government and act as official advisers”	JB5- Justices, Governor, 12
EB6-appointments, vacancies	JB6- 58, county, Superior Courts
EB7- confirmed, State Senate	JB7- jury, witness testimony
EB8 – Commander in Chief	JB8 – 18, ordinary, English language
EB9 – Legislature, sign, veto	JB9 – <i>disputes</i> “the assertion of conflicting claims or rights between parties involved in a legal proceeding, such as a lawsuit, mediation or arbitration” <i>accused</i> -. The person that is charged with a crime and has to go to criminal court

California Counties

Alameda	Madera	San Joaquin
Alpine	Marin	San Luis Obispo
Amador	Mariposa	San Mateo
Butte	Mendocino	Santa Barbara
Calaveras	Merced	Santa Clara
Colusa	Modoc	Santa Cruz
Contra Costa	Mono	Shasta
Del Norte	Monterey	Sierra
El Dorado	Napa	Siskiyou
Fresno	Nevada	Solano
Glenn	Orange	Sonoma
Humboldt	Placer	Stanislaus
Imperial	Plumas	Sutter
Inyo	Riverside	Tehama
Kern	Sacramento	Trinity
Kings	San Benito	Tulare
Lake	San Bernardino	Tuolumne
Lassen	San Diego	Ventura
Los Angeles	San Francisco	Yolo
		Yuba

Page for California map that shows county lines

Worksheet-
California County Profile

County Name _____

Student Names _____

Answer the following questions about your county. Use the back of the worksheet or additional paper if you need more space.

1. When did your county incorporate? _____
2. What is the name of the county seat? _____
3. Fill in the information below:
 - County population _____
 - Size of county (square miles) _____
4. What are names of major cities in your county?
5. Is your county rural, urban, suburban or a combination? How do you know?

6. Describe major industries and economic resources found in your county.
7. After reading about your county, how would you describe it to someone thinking of moving there?
8. Look at a California road map and locate your county. On a separate piece of paper draw and outline map of the county. Identify major cities and the county "seat". Identify boundaries; next to _____ on north, _____ on south, _____ on east _____ on west. Identify major landforms; such as mountains, rivers, lakes, ocean fronts. Include major highways. Create a map legend. Products are posted on bulletin boards.

Making an Appeal³⁹

Saving Mono Lake

Grade Level and Number of Class Periods:

Grade 4; three class periods

Alignment to California Content Standards:

History-Social Science

- 4.4.7 Trace the evolution of California's water system into a network of dams, aqueducts, and reservoirs.
- 4.5.4 Explain the structures and functions of state governments, including the roles and responsibilities of their elected officials.

English-Language Arts

Comprehension and Analysis of Grade-Level Appropriate Text

- 2.2 Use appropriate strategies when reading for different purposes (e.g., full comprehension, location of information, personal enjoyment).
- 2.3 Make and confirm predictions about text by using prior knowledge and ideas presented in the text itself, including illustrations, titles, topic sentences, important words, and foreshadowing clues.

Writing Applications

- 2.3 Write information reports:
 - b. Include facts and details for focus.
 - c. Draw from more than one source of information....

Key Words or Terms:

advocate	integrity	respondent
appeals court	navigable	trial court
aqueduct	negotiation	tributary
ecosystem	petitioner	
ethical standards	public trust doctrine	

Lesson Overview:

Students learn about an important public policy issue involving water rights and the environment. The focus is on the 1983 California Supreme Court case involving the Mono Lake. Students review the facts presented by both sides of the controversy. They work in small groups to develop written arguments for each side and then take the role of judge to write an opinion. Students reflect on their experience as lawyer and then judge and write a help wanted ad highlighting what they have learned about those roles.

³⁹ The California Judicial Education for Youth Project acknowledges the staff at the Washington State Office of the Administrator for the Courts (OAC) as the original developers of the "Making an Appeal" lesson, some of which was used in this lesson with permission.

Lesson Objectives:

1. Construct oral and written arguments.
2. Analyze public policy conflicts.
3. Examine the role of lawyers and judges.
4. Identify competing water rights issues.
5. Understand the public trust doctrine.

Materials:

- Cobblestone Article *The City that Water Built* pages 90-91
- **one copy (included) Transparency - California Courts**
- student copies, Handout –The Mono Lake Case
- student copies (one for half of the class) Worksheet 1 - Arguments for National Audubon Society
- student copies (one for half of the class) Worksheet 2- Arguments for Department of Water and Power of the City of Los Angeles
- one piece of lined paper for each student
- student copies (one for each pair) Worksheet 3 - Help Wanted Ad – Judge or Worksheet 4 Help Wanted Ad-Attorney

Lesson Procedures:

1. **Have students locate on a map of California 1) the Los Angeles Basin, 2) the city of Los Angeles, and 3) Mono Lake. What are the landscape, climate, and environment at each location? What is the distance between Mono Lake and Los Angeles? Why might there be a court case about water?**
2. Class reads the article *Los Angeles: The City that Water Built* from California Chronicles issue entitled *Water*. A copy of the article is included on pages 90-91. This article provides background information to help students understand the basic issues that led to the Mono Lake case.
3. **Review the California Court transparency on page 92 to remind students of the difference between a trial court and an appeals court.**

4. Distribute the facts of the 1983 California Supreme Court Case regarding the Mono Lake (National Audubon Society et al. v. Department of Water and Power of the City of Los Angeles et al.). Ask for volunteers to read the facts to the class.

5. Clarify the facts and issues by asking questions such as the following:

- What are the most important facts?
- What do the Plaintiffs want? The National Audubon Society et al. wants to protect the environment and stop the Los Angeles Water and Power Department from diverting so much water from the streams.
- What does the Department of Water and Power of the City of Los Angeles (DWP) want? The DWP wants to be able to continue to divert water from the four Mono Lake streams for domestic use.
- Why is there an appeal? What is the Public Trust Doctrine? The state owns all of its navigable waterways and the lands lying beneath them and is responsible for them for the benefit of all the people.

What is the problem that must be decided on appeal? Are things like the environment of Mono Lake eligible to be protected by the State under the Public Trust Doctrine ?

6. Divide the class into two equal groups, assigning one side to argue for the National Audubon Society and one side to argue for the Department of Water and Power. The group representing the Society filed the appeal and are called the petitioners. Those who the appeal is filed against, such as The Department of Water and Power are called the respondents. Note to teacher: Poster size labels of the petitioners and respondents posted on the appropriate side of the classroom helps students to understand these terms.

7. Further divide each half of the room into small groups of up to five students. Pass out Worksheet 1 to the National Audubon side and Worksheet 2 to the Department of Water and Power side.
8. Instruct each group to pick someone to be the lead attorney to make arguments for their group. Give the class ten minutes for each group to write out all the arguments that support their side. Have them think about the other side's arguments and how they will respond to those arguments.
9. Ask the lead attorney from one group of petitioners (National Audubon Society et al.) to give one argument for stopping the diversion of water. Ask the lead attorney from the respondents group (DWP) to give one argument to support their position. Rotate among all the groups, getting out all the arguments.

Arguments are many and may include:

For National Audubon Society (petitioners): It is as important to protect the environment as it is to have water for people's use. We need to protect the lake so it doesn't dry up. We need to make sure the water doesn't go lower so that it doesn't get more salty because then the shrimp will die. The birds won't have any food. The decrease in water is also making it too easy for the birds' predators to kill them. Without a safe place for the birds to stop on their migration, the birds may not make it and more will die. We have a responsibility to protect people's health too. The loss of water may eventually cause the lake to dry up altogether. Increased dust blowing through the air is bad for people to breathe. People may die or have major health problems. Some may not have health insurance to pay for the medical costs so society will need to help. We have a responsibility to protect a national monument. Many people come to see the special tufa. If the water level continues to decrease the tufa may not be there and can never be brought back.

For the DWP (respondents): Los Angeles has a huge population and not enough water. Water must come from somewhere. Los Angeles has spent millions of dollars creating aqueducts to bring the water from Owens Valley and Mono Lake. The State Water Board has approved the use of this water for Los Angeles. We have a permit giving us the authority to divert the water to Los Angeles to meet our needs. The law is on our side. The Water Code says that domestic use like ours is the highest priority use for state water. It would cost millions of taxpayer dollars to stop diverting the water to Los Angeles and build a new system. Besides, the water isn't going to go down as fast as the other side says. Our data shows that the water will decrease at a much slower pace, which means any problems created will be manageable.

10. Students now take the role of judges. Each student writes a decision on a piece of lined paper. Discuss the student judge's decisions and then explain the actual court ruling:

In the actual case, the California Supreme Court agreed with the plaintiffs: the water diversions to Los Angeles did not comply with the public trust doctrine. They ruled that the state has an obligation to protect places such as Mono Lake, "as far as feasible," even if this means a reconsideration of past water allocation decisions. This decision led to other court cases and decisions, which eventually required that fisheries, air quality, scenic value, and wildlife also needed to be protected.

11. Organize students in small groups of two or three. Give one half of the pairs Worksheet 3 page 97 and the other half Worksheet 4 page 98. Students reflect on their experience of creating legal arguments, like attorneys do, and making a decision, like judges do. Which experience did they prefer? What qualifications do they think are needed? What qualities would be most important? Students imagine they are an employer trying to hire a judge or a lawyer. Students write a help wanted "ad for

this position, emphasizing the skills, experience and personal qualities they think are needed for the position.

Lesson Evaluation:

Provide each student with a piece of lined 8 _ by 11-inch paper. It is folded in half lengthwise. For the left column, the student reflects on what he/she has learned from this lesson and list 8-10 reasons why “Making an Appeal” is an important feature in our justice system. Opposite, in the right column, the student gives an explanation with examples from this lesson, or others he/she has learned about.

Extension Activities /Lessons:

1. Students complete the “Judges Job” puzzle on page 99. The answer key for the teacher is found on page 100.
2. Using library, classroom or Resources suggested in the non-print section of this lesson, students identify a current water rights issue, such as groundwater pollution, amount of water used for agriculture, or other. Students develop an idea for a new law to solve the problem they identified.
3. As a homework assignment, students identify an environmental issue in the community that needs resolution. This can be accomplished by searching the Internet reading the local newspaper, talking to adults (parents, neighbors, adult family friends), and visiting the local library. Students write a one page report on the problem they have identified as well as possible solutions and steps that would be needed to solve the problem. The next day, students report on the problems they have identified to the class. A more in-depth project could be undertaken, using such resources as *We the People-Project Citizen and American Promise* found in the Resources, print section.
4. Students read either *A River Ran Wild* or *Come Back Salmon*, listed in the Resources, print section. The “book report” includes a description of the problems and how the people in the stories tried to help the environment.
5. Students research the life of a famous attorney, such as Belva Lockwood (story found in Resources, print) or judge (see Resources, non-print, California Courts or the Supreme Court websites). Write a multi-paragraph essay summarizing this person’s accomplishments, including the qualities he or she displayed that you most admired and why.

Resources:

Print

Barnes, Peter W. and Cheryl Shaw Barnes. *Marshall, the Courthouse Mouse: A Tail of the U.S. Supreme Court*. Alexandria, Virginia: Vacation Spot Publishing, 1998. Chief Justice Marshall J. Mouse and his fellow justices illustrate the appeals process, from challenging a law through the decision-making process conducted by the

justices. Although focused on the federal level, the book provides a good introduction to the appellate level of the judicial branch in a format that will interest children.

Brown, Drollene. *Belva Lockwood Wins Her Case*. Morton Grove, Illinois: Albert Whitman & Co., 1987. Describes the struggles and triumphs of Belva Lockwood, the teacher, suffragette, lawyer, and peace activist who became the first woman to practice law before the Supreme Court and a candidate for president in 1884 and 1888.

Center for Civic Education and the National Conference of State Legislatures. *We the People...Project Citizen*. Calabasas, California: Center for Civic Education, 2002. Provides a comprehensive approach for identification, research and developing action plans to resolve community problems. This guide is geared toward middle school students, but would be a useful reference for upper elementary school classrooms.

Cherry, Lynne. *A River Ran Wild*. Harcourt, 1992. This story focuses on the history, ecology and progress involving a river. The river starts out in a pristine state but through time the river suffers due to the activity of humans. Through the efforts of Marion Stoddart and the Nashua River Watershed Association, laws were passed that resulted in the restoration of this river and the protection of all rivers.

Cone, Molly. *Come Back Salmon: How a Group of Kids Adopted Pigeon Creek and Brought it Back to Life*. The story of how an elementary school in Washington state “adopted” a polluted stream that had once been a spawning ground for salmon. The children launched a major community effort to clean it up.

George, Jean Craighead. *There is an Owl in the Shower*. Harper Trophy, 1997. The story focuses on the son of a logger who lost his job due to the legislation that protects the spotted owl. The son unknowingly rescues a baby spotted owl. The scenario establishes the framework for a discussion on the costs and benefits of various environmental laws.

The Farmers Insurance Group of Companies and the National Council for the Social Studies. *The American Promise, Teaching Guide*. Los Angeles, California. 1998. Through a video and companion teaching guide, the American Promise program seeks to engage students in civic life. The guide has nine acts: Freedom, Responsibility, Participation, Hard Choices, Information, Opportunity, Leverage, Deliberation and Common Ground. Each act includes stories that illustrate the issues. For example, Common Ground includes examples about water rights and how the communities approached solving these problems.

Water. California Chronicles, A Cobblestone Publication. Carus Publishing Company. September, 1998. This magazine focuses on California water issues and includes stories about the Sacramento River, groundwater, the wetlands and most importantly for this lesson, an article entitled *Los Angeles: The City That Water Built*. Reading this article, included in the Additional Resources, pages 90-91 is recommended for increased understanding of the background issues leading to the court case focused on in this lesson and is included as the second procedure.

West, Tracey. *Fire in the Valley*. New York: Silver Moon, 1993. Farmers in the Owens Valley learn that Los Angeles has purchased the water rights to much of their valley, threatening the viability of their farms. Sarah devises a plan to help, including writing a letter of protest to President Roosevelt.

Non-print

California Courts, Self Help Center, *Links and Resources*

<http://www.courtinfo.ca.gov/selfhelp/additionalinfo/links.htm>

The *Courts* link leads to comprehensive information about the courts. The American Bar Association guide entitled *Facts About the American Judicial Branch* includes information about federal and state courts in a question and answer format.

Information about the three levels of the California Judicial Branch is provided in three separate visitor guides. Finally, the Los Angeles Virtual Courtroom provides an overview of how a Superior Court works. The middle door “Courtroom 2000” leads to a labeled picture of a courtroom. Click on specific areas such as *bailiff* or *jury box* to learn more.

California Water Law & Policy, *Selected Cases and References*

http://ceres.ca.gov/theme/env_law/water_law/cases/index.html

Comprehensive list of California and federal court decisions, statutes and regulations affecting water use and rights. Access to the California and United States Constitutions is also provided. The reading level is difficult, but the site is useful for teacher background and to assist students in identifying the legal authority for California water issues.

Images of the California Environment/Western States and Provinces

<http://geogweb.berkeley.edu/GeoImages/BainCalif/calwestsubjects.html>

Images can be searched by subject or geographic region. Under the subject category of water resources, students will find a variety of categories such as dams and reservoirs, aqueducts, irrigation, rivers, streams and natural lakes. A variety of images are found under each category.

Mono Lake

<http://www.monolake.org/>

All kinds of information about the lake, its history, the legal issues, birds and other wildlife; photographs are included.

USDA Forest Service, Pacific Southwest Region, *National Forests and California's Water*

http://www.fs.fed.us/r5/publications/water_resources/index.htm

Basic information for student understanding of some of California water issues is provided. Information includes an overview of major California water projects watersheds, recreation, people and water, including water use facts, wild rivers. Good background information is clearly presented.

U.S. Geological Survey, Special Topics, *Water*

http://interactive2.usgs.gov/learningweb/explorer/topic_water_links.asp

An extensive list of water sites for students and teachers. Featured sites include water activities for schools, hydrology and groundwater.

Supreme Court of the United States

<http://www.supremecourtus.gov/>

The official web site of the Supreme Court includes detailed information about the court, its work, specific cases, procedures and history. The *About the Supreme Court* would be particularly relevant to students.

National Standards for Civics and Government

Grades 1-4 Content III (C) Major responsibilities of state government. Students should be able to explain the most important responsibilities of their state government.

Grades 1-4 Content III (G) Political leadership and public service. Students should be able to explain the importance of political leadership and public service in their school, community, state, and nation.

Page for water article

page 2-water article



Trial Court (*Superior Court of California, one in each of the 58 counties*)

- One judge conducts the trial.
- Jury or a single judge decides the case.
- Lawyers present evidence.
- Witnesses swear to tell the truth and answer questions from lawyers.
- First court to decide who should win in a dispute.
- First court to decide whether or not the defendant is guilty.

Appeals Court (*California Courts of Appeal, California Supreme Court*)

- A losing party from the trial court may file an appeal to an appeals court.
- In a civil case, either party may appeal to a higher court.
- In a criminal case, only the defendant may appeal to a higher court.
- The justices hear cases that have been decided in a lower court.
- The justices do not hear testimony but base their decision on the record (case information) from the trial, reason for the appeal and oral arguments by the attorneys.
- The justices issue a written opinion containing their decision.
- The decision of the appeals court must be followed by all trial courts that are under them.
Note: If the State Supreme Court issues the opinion, all courts in the state must follow it.

Handout

Mono Lake Case 1983-Summary of Facts & Issues

Mono Lake is the second largest lake in California. It is very salty. As a result, there are no fish, but there is a large population of brine shrimp. These shrimp feed a vast population of nesting and migratory birds. Islands in the lake protect a large population of California Gulls: the second largest colony in the world (the Great Salt Lake in Utah is first). Mono Lake is also part of the migration route for several kinds of birds including the Wilson's Philarope and Eared Grebe. The Wilson's Philarope is a small shorebird that stops at Mono Lake to prepare for a 3,000 mile journey to South America. The tufa towers are a major tourist attraction, a national monument and of significant scientific interest. (See <http://www.monolake.org/> for photos of tufa).

The City of Los Angeles is the second largest city in the United States. The population in 1983 was about 3 million. The Los Angeles Basin is a desert region, does not have sufficient water to meet its needs, and has to bring water in from somewhere. In 1913, the City had used much of its local groundwater and needed more water to support its future growth. It invested \$23 million on the First Los Angeles Aqueduct, and routed water from the Owens River.

In 1940, the City of Los Angeles Department of Water and Power (DWP) was granted permits by the State Water Board to take the entire flow of four creeks that were tributaries to Mono Lake for city use and water power. It did not appropriate (take the water) at this time, as they didn't have a way to do it. In 1940, \$40 million was invested to extend the first aqueduct 40 miles north to tap into the streams.

The City invested \$88 million in 1970 to complete construction of the Second Los Angeles Aqueduct, which was designed to increase the City's ability to deliver water from the Mono Basin and Owens Valley to Los Angeles. In 1974, the State Water Board confirmed the right of DWP to divert water from the four streams that flowed into Mono Lake and gave the DWP two permanent licenses to do so.

The water levels of Mono Lake started decreasing once the waters from the streams were routed away from the Lake. The surface of the Lake has decreased by one third since the diversions started. There is disagreement as to the long term effect on diverting the streams away from Mono Lake. DWP says that even though the diversions will make the lake smaller in size, eventually the environmental factors will stabilize. In addition, Los Angeles needs the water, has paid to route it and is supported by the laws. Other groups such as the National Audubon Society and the Mono Lake Committee say that this is an unrealistic estimate and that the lake may reduce in size until it is dried up, causing permanent harm to the environment. Some harms include increased air pollution from all the dust, increased salt in the water killing the shrimp and eliminating the birds food supply, and damage to the tufa due to the decreased water.

Legal Issues

- California has a public trust doctrine. It says that the navigable waters of the state (deep enough and wide enough to allow ships or boats to sail through) and lands underneath the waters are for the benefit of all Californians and must be protected by the state.
- In 1979, the National Audubon Society, Mono Lake Committee, and others filed suit in Superior Court to force the DWP to allow more water to flow into Mono Lake to protect the ecosystem.
 - The trial court ruled that there was nothing in the public trust doctrine to challenge the authority of DWP to divert water from the streams.
 - The National Audubon Society et al., appealed to the Supreme Court of California because they lost their case in the trial court. They hoped that the Supreme Court would decide in their favor.



Worksheet 1- National Audubon Society Arguments

Group Members:

Arguments for the National Audubon Society, Mono Lake Committee Friends of the Earth, Los Angeles Audubon Society and four Mono Lake homeowners (*the petitioners*).

Your group needs to make a list of all the arguments you can think of for the above petitioners. Think about what the Department of Water and Power of the City of Los Angeles will argue and what response you can make. Select one of your group to be the lead attorney who will present arguments from your group.

List your arguments here:

--



Worksheet 2- Los Angeles Department of Water and Power

Group Members:

Arguments for the Department of Water and Power of the City of Los Angeles (DWP) et al., (*the respondents*)

Your group needs to make a list of all the arguments you can think of for the respondents. Think about what the National Audubon Society et al., will argue and what response you can make. Select one of your group to be the lead attorney who will present arguments from your group.

List your arguments here:

--

Worksheet 3 -“Help Wanted Ad”

Judge

Read the following information. Then write a one paragraph help wanted ad for a judge in the space provided. Imagine this appearing in your local newspaper. Your advertisement should emphasize the experience, skills or qualities you think are most important, based on this information and your experience in class acting as a lawyer and judge.

Judges

Trial court judges preside in courtrooms across the country. Although their primary function is to preside over trials and hearings, they also spend a significant amount of their time reviewing cases, researching the law, ruling on motions and writing orders. Judges use their legal skills and knowledge to interpret and apply the laws in a fair and impartial manner. In a jury trial, judges rule on points of law and tell the jury about the law that governs the case. When there is no jury, trial judges determine the facts, rule on motions, resolve disputes, and issue the judgment. *Appellate court judges*, such as those on the California Supreme Court and Courts of Appeal, do not preside over trials. Instead, these judges (called justices), review the court record from the lower court. Appellate court justices listen to oral arguments presented by attorneys, research the law involved in the case, discuss cases with the other justices, and write opinions.

Judges must possess many qualities including integrity, fairness, a thorough understanding of the law and the highest ethical standards. It's also important that judges treat all people who come to the court with dignity and respect. In addition, judges should be diligent, hardworking and decisive. To become a California judge, you must have 10 years experience as an attorney.

Write your help wanted ad here:

Worksheet 4 -“Help Wanted Ad”

Attorney

Read the following information. Then write a one paragraph help wanted ad for an attorney in the space provided. Imagine this appearing in your local newspaper. Your advertisement should emphasize the experience, skills or qualities you think are most important, based on this information and your experience in class acting as a lawyer and judge.

Attorneys (or Lawyers)

A lawyer has two main jobs: to provide advice and serve as an advocate. Within the job of advisor, a lawyer informs clients about the legal consequences of proposed actions. He or she also drafts legal agreements and helps people resolve complex problems through counseling and negotiation. As an advocate, a lawyer represents his or her clients in court. The lawyer acts on behalf of whomever he is representing in court.

To become a lawyer, you must have both college and law school degrees. In California, you must also pass a difficult test called a “bar exam”. The requirements for the test are established by the State Bar of California and include knowledge of the law and professional conduct. Lawyers must pay attention to detail, be thoroughly prepared, and have integrity and high ethical standards. Lawyers also need strong communication skills, ability to read and understand complex information, and the ability to think logically.

Write your help wanted ad here:

A Judge's Job-

Cryptogram

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
			23	2					10						9		15								

J D E E R D E
 10 3 23 26 2 21 11 2 24 15 24 1 1 21 25 23 2 21 12 19 24
 E D P P E R
 6 24 21 2 24 14 23 24 9 9 1 5 13 11 2 1 24 22 19 24 25 15 1 5
 E D E
 13 12 7 24 20 2 24 23 2 6 25 21 25 12 14

**Teacher Answer Key-
A Judge's Job Cryptogram**

A	C	D	E	F	G	H	I	J	K	L	M	N	O	P	R	S	T	U	Y
24	6	23	2	19	26	11	25	10	20	1	7	14	12	9	15	21	12	3	5

**JUDGES HEAR ALL SIDES TO A
CASE AND APPLY THE LAW FAIRLY
TO MAKE A DECISION**

Understanding Judicial Decision Making In Class Mini Small Claims Trials⁴⁰

Grade Level and Number of Class Periods:

Grade 4, one to two class periods

Alignment to California Content Standards:

History-Social Science

4.5.5 Describe the components of California's governance structure (e.g., cities and towns, Indian rancherias and reservations, counties, school districts).

1-17

1-18 English-Language Arts

Vocabulary and Concept Development

1.2 Apply knowledge of word origins, derivations, synonyms, antonyms, and idioms to determine the meaning of words and phrases.

1.5 Use a thesaurus to determine related words and concepts.

Writing Strategies

1.2 Create multiple-paragraph compositions.

Speaking Applications

2.2 Make informational presentations:

a. Frame a key question.

b. Include facts and details that help listeners to focus.

Key Words Or Terms:

civil case	evidence	proceeding
clerk's office	judgment	small claims court
commissioner	judge pro tem	summoned
defendant	lawsuit	
dispute	plaintiff	

Lesson Overview:

This simulation simplifies the trial experience to allow students to focus on the essence of judicial decision-making, the issues of a case. Small claims cases are civil disputes where the amount of money involved is \$5000 or less. This is an activity that would work well with a guest participant, such as a judicial officer who has served as a small claims judge. In many California Courts, attorneys assist the Court by serving as temporary judges (called judge pro tems) for small claims cases. The Clerk's Office of the Superior Court in your county should be able to assist you in identifying attorneys who have this experience.

Lesson Objectives:

1. Understand the process involved in making a judicial decision.
2. Learn the roles of the parties in a small claims case.

⁴⁰ The California Judicial Education for Youth Project acknowledges the Utah Law-Related Education Project as the original developers of this lesson, found in the "Your Day in Court" manual. This lesson adapted with permission.

3. Recognize and construct persuasive arguments.
4. Discover the central case issues using a simple fact situation.
5. Enhance listening and communication skills.
6. Reflect on what is learned and convey learnings orally and in writing.

Materials Needed:

- student copies Small Claims Court Overview, page 106
- student copies Worksheet-Small Claims Case?, page 107
- one copy of Roles to be Played Transparency, page 109
- 10 copies of each of the four Worksheets (1a-1d) Mini Small Claims Trials pages 110-113
- one copy Teacher Guide Issues and Decisions (included)

Lesson Procedures:

1. Students conduct a vocabulary search of the key words and terms. Definitions are included in the glossary of the Guide, however, classroom dictionaries as well as on-line dictionaries could also be used.
2. Distribute the Small Claims Court Overview to students. Students read it alone or in small groups. From the information, students determine if the scenarios presented on the Worksheet-Small Claims Case belong in small claims court.
3. Explain to students that problems needing judicial resolution come to court as "cases." Provide students with an overview of the mini-trial process stressing the following:
 - Each student will be given a key role to play in the trial. The key roles are defined on the Roles to be Played Transparency, page 109.
 - Explain to students that at the center of every trial is an issue to be decided.
 - Each student must first determine as precisely as possible what the defendant and the plaintiff are asking the judge to decide.
4. Divide the class into groups of 3. Assign each student in each group a role: judge, plaintiff, or defendant. If more than one fact situation is used, it is suggested that students rotate roles to vary their experience.
5. Using the role descriptions in the Transparency, read the brief statements about each role to the class. Note that in small claims cases, no attorneys are allowed, therefore in real life as in this simulation, the parties to the case represent themselves.⁴¹

⁴¹ The reason attorneys are not allowed is that because the amount of money involved is small, an attorneys fees could be more than the claim is worth. Also it keeps the process simplified, insuring the parties get a relatively swift decision in their case.

6. Choose one case from those given in Worksheet #1 a-d and distribute the list of facts for that case. Do not discuss the issue or the decision at this time.

7. Tell students they will be doing a role play of the case within their individual groups. Give the students portraying the plaintiff and defendant sufficient time to prepare-approximately 10-15 minutes. The plaintiff speaks first, then the defendant. The judge may ask questions.
8. After each of the plaintiffs and defendants for the case have presented their side of the story, the judge for the case should take a few minutes to make a decision. The judge then announces his or her decision to the plaintiff and defendant, including the reasoning.
9. Discuss the issues and the decision with the whole class. The Teacher Guide to the Issues, page 114, may be handed out to students if desired. This Guide suggests some of the obvious issues; however, there may be more than one right decision per case.
10. Rotate the roles and repeat the procedure with one or two of the additional cases in Worksheet 1#a-d, pages 110-113. Debrief the simulation with the following questions:
 - a. Which is the most difficult role to play? Why?
 - b. How well did the "actors" play their roles?
 - c. Were the judges' decisions "fair?"
 - d. If you were the judge, would you have decided the case differently?

Lesson Evaluation:

Students use the information in the Small Claims Overview, their experience in the decision making activity, as well as the Resources listed in the non-print section to write a multi-paragraph essay entitled "What Citizens Should Know about the Small Claims Court."

Extension Activities/Lessons:

1. Conduct a mock trial with the class. There are many scripted options available for purchase, including the *People v. A. Wolf* simulation available from the Constitutional Rights Foundation and Fairy Tale Mock Trials available for grades K-6 from the American Bar Association (see resource section below). Many scripts may also be downloaded from various law related organization websites.
2. Divide class into groups of 3-4 students. Students are instructed to find a story in the news about a conflict and complete the Worksheet-Conflict Analysis. Hold a class discussion about student findings. What types of disputes were identified? What methods appeared to work well, if any? Why? What factors seemed to dictate a successful outcome of the dispute?
3. *Students research the national trend in youth courts (also called teen courts or peer courts) for dealing with youths who get in trouble with the law.*

Resources include Working It Out, Conflict Resolution, AppleSeeds, September 2003 issue listed in the print section and the National Youth Court website listed in the non-print section. Students write a one page essay explaining the purpose of youth courts and how they work. The student should also respond to the statement "I think youth courts are or are not a good idea because..."

4. *Use examples from literature for a discussion on justice, fairness and decision making. Read a selection from The Cow of No Color: Riddle Stories and Justice Tales from World Traditions or Adventures of Brer Rabbit and Friends, from Resources non-print. The format of The Cow of No Color prompts readers with questions, Brer Rabbit provides a more open ended discussion. Additional literature ideas include Goldilocks and the Three Bears, parable of the Good Samaritan, It's Not Fair by Charlotte Zolotow and Letter from a Birmingham Jail by Martin Luther King, Jr.*

Resources:

Print

Center for Civic Education. *Foundations of Democracy: Authority, Privacy, Responsibility, and Justice*. Calabasas, California: Center for Civic Education. Center for Civic Education 1999. The *Justice* book, Unit Three: How Can We Solve Problems of Corrective Justice is particularly helpful for this lesson.

Constitutional Rights Foundation. *People v. A. Wolf, Voir Dire and Mock Trial Simulations*. Los Angeles, California: Constitutional Rights Foundation. The trial is based on the book *The True Story of the 3 Little Pigs!* by A. Wolf by Jon Scieszka. In addition to the familiar characters from *The Three Little Pigs*, the trial involves jurors who children will recognize, such as Red Riding Hood, who is now a fire fighter. The jury selection (voir dire) or mock trial can be done consecutively to illustrate the complete trial process or as independent activities. Links to the California History-Social Science and English-Language Arts Standards are provided.

Harris, Joel Chandler (retold by Karima Amin). *Adventures of Brer Rabbit and Friends*. DK Publishing, 2001. In these ten stories, Brer Rabbit continually tries to outwit Brer Fox and his other friends.

Jaffe, Nina. *The Cow of No Color: Riddle Stories and Justice Tales from World Traditions*. Henry Holt & Company, Inc., 1998. A collection of 23 stories from around the world. A variety of settings and characters provide settings for discussions of justice. Some are riddles that ask the reader to figure out the end of the story.

Scieszka, Jon. *The True Story of the 3 Little Pigs! by A. Wolf*. New York, New York: Puffin Books, 1996. The wolf finally gets to tell his side of the story in his own words. He has a perfect explanation for why he ate the first two little pigs and what he was doing when he was arrested at the 3rd little pigs' house. The facts to create the People v. Wolf case are included here.

Working It Out, Conflict Resolution. AppleSeeds, A Cobblestone Publication. Carus Publishing Company, September 2003. How can we work it out—at home, at school, in our world? Students learn about Operation Respect, kid helpful steps at mediation, the importance of “listening”, Youth Courts for resolving issues, and some peace heroes. This excellent magazine is for grades 2-4.

Non-print

American Bar Association, *Division for Public Education*

http://www.abanet.org/publiced/lawday/store_school.html

This link includes fairy tale mock trials for grades K-6 that are available for purchase.

<http://www.abanet.org/publiced/courts/courtslegal.html>

Information such as the role of the courts, the differences between criminal and civil case processing, the job of being a judge, jury information and judicial independence is included.

California Courts, Self Help Center, *Small Claims Basics*

<http://www.courtinfo.ca.gov/selfhelp/smallclaims/scbasics.htm>

The California Courts Self Help Center provides free help to those who are representing themselves in court without an attorney. The section on small claims cases provides complete information about small claims processing in simple to follow terms.

National Youth Court, *Resources*

<http://www.youthcourt.net/Resources/FAQ.htm>

The National Youth Court website provides extensive information about youth courts across the United States. The Frequently Asked Questions section provides links to information such as facts, statistics, and history that students will find interesting.

The State Bar of California, *Public Services*

http://www.calbar.ca.gov/state/calbar/calbar_home_generic.jsp?sCategoryPath=/Home/Public%20Services

Select the *Using the Small Claims Court* link. Information regarding the California Small Claims process is explained in a question and answer format.

National Standards for Civics and Government

Grades 1-4 Content I (D) Functions of government. Students should be able to explain some of the major things governments do in their school, community and nation.

Grades 1-4 Content III (C) Organization and major responsibilities of state government. Students should be able to explain the most important responsibilities of their state government.

Small Claims Overview

Small Claims Court is a special court in which disputes are resolved quickly, inexpensively and informally. Small claims cases are civil matters where the person is asking for money as the solution for their problem. The amount of the dispute must be no more than \$5,000. The person who files the lawsuit is called the plaintiff. The person being sued is called the defendant.

The goals of quickly, simply and inexpensively resolving the dispute, require different procedures than those used in the regular court process. For example, there are no attorneys allowed. Parties represent themselves and argue their case before the judge. The judge who hears the small claims cases may be a commissioner (like a judge but someone who is appointed not elected) or a judge pro tem (lawyer who hears and decides cases). The judge asks the parties to present their side of the story, using everyday language, and not legal terms. The judge makes the decision on all small claims cases, there are no juries.

Examples of the types of civil cases that could be heard in small claims court include:

- Your former tenant owes you for damages to your rental property.
- Your neighbor dented your car fender and refuses to pay.
- You bought a new digital camera that doesn't work but the store won't fix it.
- You lent money to a friend who refuses to pay you back.
- Your sink leaked and ruined your kitchen floor after just being repaired by the plumber.
- Your painter finished only part of the work he agreed to do under the contract.

There are other civil cases that are not considered simple disputes due to the complexity, the amount of money involved or the importance of the issues. These would not be decided in small claims court.

To start a small claims case, the plaintiff must file a special form given to him or her by the clerk's office of the Superior Court. The plaintiff also pays a filing fee that has been set by the California Legislature. The defendant is notified of the case against him. The case will be heard in a short period of time, usually no more than 40 days from the papers being filed. This gives the parties time to prepare their cases but insures they don't have to wait too long.

At the hearing, just like other trials, witnesses may testify and other evidence such as documents and photographs may be presented. The judge may make a decision at the hearing or may mail it afterwards. The decision is called a judgment. If the defendant loses the case, he may file an appeal, but the plaintiff cannot.

Worksheet-Small Claims Case?

Name _____

Think about the scenarios below. Is the case one that should be heard in small claims court? Write the name of the party to the case (in bold) in the correct column and explain your answer.

- | | |
|--|--|
| <p>a) John Norton owns a rental home. He is suing the former tenants for \$3,000 in damages to the carpet and linoleum.</p> <p>b) Joe Johnson receives a ticket for speeding. He says he's not guilty and wants to fight it.</p> <p>c) Sue and Steve Wellington have filed papers to adopt a teenage girl.</p> <p>d) Julie Mason is suing her doctor for \$5,500 for giving her the wrong medication.</p> <p>e) Stan Smith, a professional baseball player sues his team for \$500,000 in overdue bonus payments.</p> | <p>f) Mary Lyons is bitten by her neighbor's dog and is suing for \$10,000 in medical costs and pain and suffering.</p> <p>g) Carl Oster falls and breaks his arm on the steps of City Café. He sues for \$3,500 medical and \$1200 in lost wages.</p> <p>h) Linda Fisher sues Downtown Dry Cleaner's for \$375 for ruining two suits..</p> <p>i) The State of California files a complaint against Doug Baker for stealing a car.</p> |
|--|--|

Small Claims Court and Why	Other Court and Why

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Teacher Answer Key-Worksheet-Small Claims Case?

Name _____

Think about the scenarios below. Is the case one that should be heard in small claims court? Write the name of the party to the case (in bold) in the correct column and explain your answer.

- | | |
|--|--|
| <p>a) John Norton owns a rental home. He is suing the former tenants for \$3,000 in damages to the carpet and linoleum.</p> <p>b) Joe Johnson receives a ticket for speeding. He says he's not guilty and wants to fight it.</p> <p>c) Sue and Steve Wellington have filed papers to adopt a teenage girl.</p> <p>d) Julie Mason is suing her doctor for \$5,500 for giving her the wrong medication.</p> <p>e) Stan Smith, a professional baseball player sues his team for \$500,000 in overdue bonus payments.</p> | <p>f) Mary Lyons is bitten by her neighbor's dog and is suing for \$10,000 in medical costs and pain and suffering.</p> <p>g) Carl Oster falls and breaks his arm on the steps of City Café. He sues for \$3,500 medical and \$1200 in lost wages.</p> <p>h) Linda Fisher sues Downtown Dry Cleaner's for \$375 for ruining two suits..</p> <p>i) The State of California files a complaint against Doug Baker for stealing a car.</p> |
|--|--|

Small Claims Court and Why	Other Court and Why
John Norton-civil case, \$5,000 or less, simple case	Joe Johnson-traffic case
Carl Oster-civil case, \$5,000 or less	Sue and Steve Wellington–important issue, doesn't involve money
Linda Fisher-civil case, \$5,000 or less, simple case	Julie Mason-civil case but a little over the \$5,000 limit
	Stan Smith-civil case, way over the \$5,000 limit
	Mary Lyons-civil case, over the limit
	State of California-criminal case

**Transparency
Mini-Trial Activity
Roles to be Played**

Judge: The judge must see that both sides have a fair chance to present their cases. The judge should not interrupt or dominate the proceedings. After both sides have presented their case, the judge makes a decision based on the evidence presented.

Defendant: This person is being sued by the plaintiff. S/he has received a summons from the court and is probably appearing against his/her will. S/he listens to the accusation and then either tries to prove it untrue or gives reasons to justify his/her actions.

Plaintiff: This person has accused the defendant of doing or not doing something which s/he thinks is unfair. S/he is the one who has asked the court to hear the case. In Small Claims Court the plaintiff is asking the judge to make the defendant pay him/her an amount of money (maximum of \$5,000). The plaintiff speaks to the judge first, once the trial begins.

First Case – Facts

1. What are the issues?

2. What are the arguments for the plaintiff?

3. What are the arguments for the defendant?

4. What is the judges' decision? Why?

Mini Small Claims Trials Worksheet #1b

Second Case -- Facts

Plaintiff is a baby-sitter. Defendant is a parent. The Plaintiff agreed to baby-sit for the Defendant's two children for two dollars per hour. When the baby-sitter arrived, there was a third child, a cousin, present. Plaintiff said nothing about an increased rate but demanded three dollars per hour when Defendant returned home two hours later, claiming the rate to be one dollar per hour per child. The Defendant refused to pay the additional one dollar per hour. Plaintiff sues.

1. What are the issues?
2. What are the arguments for the plaintiff?
3. What are the arguments for the defendant?
4. What is the judges' decision? Why?

Third Case -- Facts

1. What are the issues?

3. What are the arguments for the defendant?

Version 1.0.

Fourth Case -- Facts

Plaintiff is the owner of a ten speed bicycle. Defendant is the owner of a bicycle repair shop. Plaintiff brought the bicycle into the shop when the gears didn't shift properly. Plaintiff told Defendant/owner to fix the gears as much as possible but not to do anything that would cost more than \$50.00. When the Plaintiff came to pick up the bicycle the next week, he found that the shop had installed brand new gears and had sold his broken gear shift to a bicycle used parts company. The Defendant told Plaintiff that he would pay \$50.00 since that was the amount he said was as high as he could go. The Defendant said he would not get the bicycle back until \$100.00 was paid. Plaintiff sues.

- Version 1.0.

Teacher Guide
Issues And Decisions
Mini Small Claims-Trial Activity

In this exercise, students gain the most from coming up with their own conclusions about which issues were the most important in each case. This information is provided to acquaint teachers with basic principles of law that appear to be involved in each case, however there could be alternative outcomes that could also be just.

FIRST CASE

Issue: Did the assistant fail to live up to his agreement? If so, what would be the appropriate remedy?

Decision: It appears from the facts that the Plaintiff did what he had agreed to do. He agreed to deliver the papers and did just that. The agreement did not specify that he had to put papers in the mailboxes or inside halls. On the other hand, it is important to remember that the Plaintiff was an assistant to the Defendant. Since he was an assistant, he knew from experience that delivering the papers included putting them in the mailboxes and in the halls. Therefore, it is clear that the Plaintiff should have done what he knew from his experience to be the right thing. It might be concluded, therefore, that half of the papers did get delivered successfully and half did not. Judgment would, therefore, be for the Plaintiff for \$1.50. One dollar fifty cents is appropriate since the agreement was for fifty papers, and twenty-five people got their papers in good condition.

SECOND CASE

Issue: Is the Plaintiff entitled to the additional \$1.00 per hour?

Decision: From the facts, it appears the Plaintiff had agreed to baby-sit for \$2.00 per hour. When the Plaintiff arrived on the job and saw an additional child, she did not say she wanted more money. The Plaintiff did not tell the Defendant that she expected \$1.00 per child when they made the agreement. It was, therefore, unfair for the Plaintiff to demand this amount after the fact. The Defendant understood that the charge was \$2.00 per hour and not \$1.00 per child. To give the \$1.00 additional fee per hour would be unfair to the Defendant. Judgment for the Defendant.

THIRD CASE

Issue: Is the Plaintiff entitled to damages if Defendant returns loaned comic books in a condition different from the condition the books were in when they were received?

Decision: When one loans an item to someone, s/he is entitled to get it back in a condition reasonably similar to the condition it was in when it was loaned. In this case, five of the books were returned in a torn and ripped state. It is obvious that the Defendant did not exercise reasonable care while he read the books, and it is, therefore, unfair to return them in poor condition. What would be the measure of damage? If it can be shown that the Plaintiff could get the same comic books for \$2.00 each, the Plaintiff would be entitled to \$10.00 and the Defendant could keep the torn books. If the books were irreplaceable, the Plaintiff would be entitled to the \$20.00 he sought. Judgment for the Plaintiff.

FOURTH CASE

Issue: Can the Defendant do more than he was authorized to do by the Plaintiff without first making an additional agreement with the Plaintiff?

Decision: No. The bicycle repair shop cannot take unfair advantage of a customer. The Plaintiff/customer had placed limitations on what the shop could do. The shop cannot do more without consulting the customer. Since it was too late to return the bicycle to the condition in which it was brought in, the shop must give the bicycle with the new gear to the Plaintiff for \$50.00. Judgment for the Plaintiff.

Worksheet-Conflict Analysis

Find a news story about a conflict and answer the following questions.

1. Who are the people involved in the conflict?

2. What is the conflict about?

3. What other information would you like to know about the conflict?

4. What does each person want?

5. What approaches are being used to solve the dispute?

6. What else do you think could be done to solve the dispute?

California Judicial Education for Youth Project

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Sweet Deals⁴²

Grade Level and Number of Class Periods:

Grade 5, three class periods

Alignment to California Standards:

History-Social Science

- 5.3 Students describe the cooperation and conflict that existed among the American Indians and between the Indian nations and the new settlers.
- 5.3.4 Discuss the role of broken treaties and massacres and the factors that led to the Indians' defeat, including the resistance of Indian nations to encroachments and assimilation (e.g., the story of the Trail of Tears).

English-Language Arts

Reading Comprehension; Comprehension and Analysis of Grade-Level Appropriate Text

- 2.3 Discern main ideas and concepts presented in texts, identifying and assessing evidence that supports those ideas.
- 2.4 Draw inferences, conclusions, or generalizations about text and support them with textual evidence and prior knowledge.

Writing Strategies; Research and Technology

- 1.3 Use organizational features of printed text (e.g., citations, end notes, bibliographic references) to locate relevant information.
- 1.4 Create simple documents by using electronic media....

Writing Applications

- 2.3 Write research reports about important ideas, issues, or events....

Listening and Speaking Strategies

- 1.4 Select a focus, organizational structure, and point of view for an oral presentation.
- 1.6 Engage the audience with appropriate verbal cues, facial expressions, and gestures.

Speaking Applications

- 2.2 Deliver informative presentations about an important idea, issue, or event....

Key Words Or Terms:

assimilation	fraud	plaintiff
"Buyer Beware"	Indian Removal Act	ratify/ratified
civil law	injunction	sovereign nation
contract law	jurisdiction/original jurisdiction	sue/suing
contract negotiations	"mistake of fact"	treaty
deception	negotiation	tribunal
encroachment	nullity	

⁴² The California Judicial Education for Youth Project acknowledges the Pennsylvania Bar Association and Leap-Kids, Inc. as the original developers of this lesson. This lesson adapted with permission.

Lesson Overview:

This lesson introduces students to civil law and contract negotiations through chocolate. It is an excellent “Setting the Stage” or “Dramatic Moment” lesson for teaching those History-Social Science Standards that pertain to conflicts regarding diversity—the reasons for conflicts, the conflicts, and the resolutions (or disappointments that did not satisfactorily meet the concerns of both parties in the conflict). In this lesson example California History-Social Science Standards 5.3 and 5.3.4 are used as illustrations; conflicts between the Indian nations and the new settlers, treaties and broken treaties, and Supreme Court cases.

Lesson Objectives:

1. Understand, through examples, the vocabulary and applications of basic contract law, and ways to reach agreement when there are diverse opinions (including negotiation, treaties, and court cases).
2. Research conflicts between Indian Nations and the new settlers to the United States in the 19th century, and key people involved in these conflicts.
3. Analyze primary sources related to conflicts regarding Indian Removal to the west; including opinions/decisions of Supreme Court cases.

Materials Needed:

Before the lesson purchase and prepare for the activity the following:

- One extra large plain chocolate bar
- One extra large chocolate bar with almonds
- One bag of small/minature plain chocolate bars
- One bag of small/minature chocolate bars with almonds

The preparation includes carefully removing (or opening) the contents of one of the extra large chocolate bars so that the outer wrapper and foil remain intact. Then using tissues or tissue paper (or a similar filler), refill the foil and insert or enclose it in the outer cover. Some transparent tape on the backside of the outer cover would work for this activity. This exchange should end up looking like a “real” extra large chocolate bar.

Worksheet, “In My Own Words”—Prey to Plunderers, page 12.

Lesson Procedures:

1. The teacher places the two extra large chocolate bars (one original and one with replaced chocolate) before the class, and out of student reach. Ask for a show of hands, “Who likes plain chocolate bars?” Then of this group, ask students, “Who really dislikes chocolate with almonds?” Select one student to come to the front of the class.

Ask for a show of hands, “Who really likes chocolate bars with almonds?” Select one student to come to the front of the class. The teacher now has before the class one student who prefers plain chocolate and dislikes chocolate with almonds; and one student who really likes chocolate with almonds.

2. The teacher has before the class two students:

- one who likes chocolate but dislikes almonds, and
- one who likes chocolate with almonds.

The teacher directs these students to stand before the chocolate bar that they like the least. NO ONE TOUCHES THE CHOCOLATE BARS AT THIS POINT.

3. Tell the students that they will need to talk to each other to work out an arrangement to exchange the chocolate bars. The teacher explains to the class that they have just discovered basic contract law—a bargained for exchange with consideration. Once the students reach an arrangement for exchange, tell each student to pick up the chocolate bar that he/she obtained in the “negotiated” exchange.
4. Tell the students that during contract negotiations, parties do not always get what they think they negotiated. In the classroom one student will be surprised and upset when he/she picks up the empty chocolate bar. Ask the student to express his/her feelings.

You will find that the students will discuss most legal concepts associated with “mistake of fact”. There is no “fraud”, since the other student knew nothing of your chocolate bar deception. Explain to the class that they now have a conflict that may need to be resolved through the courts. Tell the students how “Buyer Beware”: was a long held concept of contract law, but that fairness today suggests other resolutions.

5. Now suggest that the two students renegotiate. The student with the real chocolate bar probably will have different opinions about what constitutes a fair resolution. The student without the chocolate bar may suggest that they split the other one.

The teacher’s role is to help the students through the negotiation process while encouraging them to bargain and settle their dispute on their own. (Remember: suing the lawyer is not an option.) Ask a student volunteer to serve as a judge to help settle the dispute and hand down a ruling (probably to split the chocolate bar).

As a surprise, distribute your hidden supply of chocolate bars to the entire class, including the two students. Conclude with a discussion, “What have students learned from this activity?”

6. Think-Pair-Share. The teacher asks students to reflect on (*think* about) the issues, the negotiation, and the resolution that they have just observed. Review the Key Words or Terms for this lesson for understanding. Student *pairs* then brainstorm and record on lined paper incidents in history, or currently in their community or school, where there have been diverse opinions, issues where negotiation was needed, or led to court for a decision. Was the decision controversial? Were all parties satisfied with the results? Why or why not?

Each pair *shares* their findings with two other pairs. This larger group comes to consensus on 1-2 incidents to share with the class. The larger group agrees on

method of presentation—for example, acting out/role playing, narrative presentation using historical facts, visual with drawings and posters. All group members are involved in the presentation and use appropriate English/Language Arts standards for listening and speaking. It ends with a question and answer period. Did the incidents and the presentations incorporate any of the Key Words or Terms?

7. Fifth graders learn about diverse opinions and ways of living of Native Indians and immigrants who poured into the United States. The diversity frequently led to conflicts, particularly over rights to fertile land, but there was also diversity over religion and attitudes about culture/ways of living. There were negotiations in efforts to resolve differences, and treaties were frequently created as a result of negotiations. Not everyone agreed with the treaties. Treaties were frequently broken. Why? Students reflect on what they have learned about Indian relations and discuss some of the results in a teacher-led large group.

The teacher continues to lead a class discussion regarding the issues and conflicts that led to the Indian Removal during 1825-1850. The class is organized into four research groups. The print and non-print resources for this lesson are a good place to start the investigations.

- a. What Indian tribes lived in the Eastern United States—along the Atlantic Coast and the Appalachian Plain, and in the New Frontier west of the Appalachian Mountains? What were the major issues between each tribe and the settlers who came from England and other European countries?
- b. Investigate key individuals of the Indian tribes who influenced the positions, attitudes, and beliefs of the Native Indians/Americans; such as Cherokees: Sequoyah, John Ross, George Lowrey, missionary Sam Worcester, Cherokee leader Stand Watie; and Black Hawk and his son Whirling Thunder of the Sauk and Fox Indians.
- c. Investigate key individuals in U.S. government who had opinions (positive or negative) or played a role in the Indian Removal: President Andrew Jackson, Henry Clay, Daniel Webster, Supreme Court Chief Justice John Marshall.
- d. What was the Indian Removal Act of 1830? What was the Trail of Tears (1838-39) and issues or events that led to it? Who was involved? In what state did the removal of Native Americans—Choctaws, Chickasaws, Creeks, Cherokees originate and why? What were the motives for Indian removal? How were conflicts resolved? Why did the Supreme Court decision (“Deal”) go wrong? Why was it called the Trail of Tears?

Each student group uses varied sources for information (textbooks, encyclopedias, library, and Internet. The resources section of this lesson offer suggestions. The group prepares their report so that each group member has a role in their presentation, and English/Language Arts standards for research, listening, and speaking is used. Visuals (maps, drawings, timelines, primary sources) in the presentations are encouraged.

After the group reports, the teacher leads a discussion regarding issues, diversity or differences, and resolutions. The Key Words or Terms for this lesson head each

column drawn on the chalkboard or chart paper. During the discussion, examples for each term from the group presentations are listed.

8. Provide for each student a copy of the Worksheet, “In My Own Words”—Prey to Plunderers, page 12. Students apply their understanding of the quotation of Evan Jones and their understanding of the Key Words and Terms and other terms in this lesson to their explanation. A dictionary and/or thesaurus will enhance this activity.

Lesson Evaluation:

The teacher reads the following:

It was called the “Trail of Tears” because it was a very long trail west that people were forced to walk. The Cherokees did not want to leave their homes, their farms, their hunting grounds, the land of their fathers and mothers. So they appealed to the government. The case of the Cherokees was argued before the Supreme Court, in *Worcester v. Georgia*. But the case went beyond the case of Samuel Worcester to minister to those who lived in the Indian Territory.

The Supreme Court ruled on the issue of Indian ownership of their own land and their right to govern themselves. Great Britain, said the chief justice:

- ...”considered [the Indians] as nations capable of maintaining the relations of peace and war; of governing themselves...and she made treaties with them, the obligation of which she acknowledged.”

And further:

- “The Cherokee nation, then, is a distinct community, occupying its own territory...in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves.”

In other words, the Supreme Court said that *the Indians have a present right of possession*. It was unconstitutional to push the Indians from their land.

NOTE: The teacher may choose to write the bulleted quotations above on the chalkboard or chart paper.

Students write a multi-paragraph response to these “rulings” that explain:

- What were the issues?
- Why the Supreme Court made these decisions.
- Why President Andrew Jackson refused to enforce the law.
- How this relates to the “Sweet Deals” activities and Key Words and Terms in this lesson.

Extension Activities/Lessons:

1. Organize the class into two groups. One group investigates the Supreme Court case, *Worcester v. Georgia, 1832*. The other group investigates the Supreme Court case, *Cherokee Nation v. Georgia*. Why did the case come about? What were the issues? The conflicts? The results? What was the opinion presented by the Supreme Court Justice? What were dissenting opinions? What vocabulary words in this lesson apply to the case?
2. As a homework assignment students talk with their family about issues in the community that reflect the dilemmas in the Sweet Deals activity. In their summary written report an understanding of the Key Words or Terms, and related terms should be included.
3. Students ponder the issues and conflicts in this lesson. What is justice and fairness? What is trustworthiness? Why are these traits of character important?

Students work in groups of three, with each student addressing one of the following questions.

- How do these traits of character relate to the activities in this lesson?
- How do these traits of character relate to the homework assignment regarding community issues?
- Why are these character traits important? How have I demonstrated them?

NOTE to the teacher: The following definitions of justice/fairness and trustworthiness are provided as they relate to this lesson:

What is Justice?

- Acknowledging and respecting the rights of others; the basis for our duties and obligations
- Respect for rightful authority. (Authority means, among other things, the right to be obeyed.)
- Living with the consequences of our decisions and mistakes, including neglect
- Refusal to see oneself as a victim
- Habit of honoring our promises and commitments even when this involves sacrifice

What is Trustworthiness?

- Honesty, telling the truth
- Loyalty, when it is appropriate
- Friendship, keeping a secret and not betraying a trust
- Reliability, following through on commitments
- Dependability, keeping promises and being a person of your word

In a class “grand discussion” the questions are addressed. If justice and trustworthiness had been followed, how might the Indian Removal been different? How might issues or events in the community that were identified during the

homework assignment been different? Why are the character traits of justice/fairness and trustworthiness important?

Resources:

Print

Bruchac, Joseph. *The Trail of Tears*. Econo-Clad Books. Provides insights into the actions of key individuals involved in this historical event.

Erdrich, Louise. *The Birchbark House*. Hyperion Press, Reprint edition, 2002. Story is told through the eyes of a 7-year-old Ojibwa girl who was the sole survivor of a smallpox epidemic on Spirit Island. The daily life of the little girl, Omakayas, and her adopted Native American family is covered through four seasons of 1847. This award winning book provides many opportunities for student research such as the rituals and beliefs of the Anishinabe tribe, their westward movement and Indian treaties.

Nardo, Don. *The Indian Wars: From Frontier to Reservation*. Lucent Publications. This thorough study is enlivened with eyewitness accounts, quotes from primary sources, comments by scholars, and abundant photographs, maps, and historical prints. Students discover the key reasons Native Americans were defeated, losing in the process most of their land, their heritage, and their former ways of life.

Perdue, Theda. *The Cherokee Removal: A Brief History with Documents*. Palgrave Macmillan Publishers. A compilation of historical documents regarding the Trail of Tears. It includes Cherokee testimony and petitions, personal letters, government documents, speeches, and newspaper articles providing a range of perspectives on the 1838 expulsion of the Cherokee nation from the southeastern U.S. to what is now Oklahoma. An introduction outlines the racial attitudes, economic issues, and expansionism of the U.S. in the early 19th century.

Sherrow, Victoria. *Cherokee Nation v. Georgia: Native American Rights (Landmark Supreme Court Cases)*. Enslow Publishers Inc., 1997. Discusses cases brought by the Cherokee Nation and its supporters against the state of Georgia beginning in the 1830s.

Wilson, Mike. *Broken Promises: The U.S. Government and Native Americans in the 19th Century*. Mason Crest Publications. Includes various accounts of broken treaties, massacres, and other factors that led to the Indians' defeat.

Non-print

About The Trail of Tears:

American West—Native Americans

www.americanwest.com/pages/natghost.htm

Offers synopses and links on Native American history, including the Trail of Tears and corruption of government programs for Native Americans.

Cherokee History—Part One

www.dickshovel.com/cherokee1.html

Supplies a succinct, but thorough overview of the Cherokee Nation's history up to the Trail of Tears.

PBS—Indian Removal 1814-1858

www.pbs.org/wgbh/aia/part4/4p2959.html

This educational resource documents the view held by U.S. settlers that the Indian nations stood in the way of U.S. expansion. ...1830, just a year after taking office, President Jackson pushed a new piece of legislation called the "Indian Removal Act"....

Social Studies for Kids—Andrew Jackson

www.socialstudiesforkids.com/subjects/andrewjackson.htm

Learn about the seventh president of the United States who was responsible for the Trail of Tears and whose nickname was "Old Hickory". Link to: Andrew Jackson and the Cherokee, and Jackson's Case for the Removal of the Cherokees. One link is about Sequoyah—Man of Many Words. This website includes an excellent telling of the Trail of Tears by Christina Berry.

Social Studies for Kids—Native Americans

www.socialstudiesforkids.com/subjects/nativeamericans.htm

Includes North American Tribes Map, and information about the tribes written by students, biographies of famous Native American (such as Sequoyah, the inventor of the Cherokee alphabet), and the Trail of Tears.

The Cherokee Trail of Tears, 1838-1839

www.rosecity.net/tears/trail/tearsnht.html

An excellent retelling of events of the Trail of Tears, including history and issues that preceded and followed the event.

About Supreme Cases related to Indian Removal:

Cherokee Nation v. State of Georgia

www.ukans.edu/carrie/docs/texts/cherokee.htm

Read John Marshall's famous 1831 opinion. The case questioned the constitutionality of Andrew Jackson's Removal Act. Also search the web, Cherokee Nation v. State of Georgia, for dissenting opinions in this landmark case.

Indian Removal Act of 1830

www.studyworld.com/indian_removal_act_of_1830.htm

Read President Andrew Jackson's decree that aimed to forcibly remove over 70,000 southern Native Americans to areas west of the Mississippi River.

John Marshall House; John Marshall

www.apva.org/apva/marshall_house_marshall_bio.php

A succinct biography of Supreme Court Chief Justice John Marshall prepared by The Association for the Preservation of Virginia Antiquities.

Lesson Plan—Prelude to the Trail of Tears: Worcester v. Georgia

www.ssecinc.org/less/Pg_Is_trail.htm

A free lesson plan, with student handouts, that is ready for download by social studies teachers.

Worcester v. Georgia (1832)

www.cviog.uga.edu/Projects/gainfo/worcester.htm

A brief summary of the Supreme Court decision in Worcester v. Georgia (1832).

National Standards for Civics and Government

Grades 5-8 Content II (A) 3 Diversity in American society. Students should be able to evaluate, take, and defend positions on the value and challenges of diversity in American life.

- Explain why conflicts have arisen from diversity, using historical and contemporary examples, e.g., North/South conflict; conflict about land, suffrage, and other rights of Native Americans; Catholic/Protestant conflicts in the nineteenth century; conflict about civil rights of minorities and women; present day ethnic conflict in urban settings.
- Evaluate ways conflicts about diversity can be resolved in a peaceful manner that respects individual rights and promotes the common good.

Grades 5-8 Content II.C.2 The character of American political conflict. Students should be able to describe the character of American political conflict and explain factors that usually prevent violence or that lower its intensity.

Worksheet, “In My Own Words”—Prey to Plunderers

Evan Jones, a missionary, was a witness to the Cherokee exodus in 1838. He wrote:

The Cherokees are nearly all prisoners. They have been dragged from their houses, and encamped at the forts and military posts, all over the nation. In Georgia, especially, multitudes were allowed no time to take anything with them, except the clothes they had on. Well-furnished houses were left a prey to plunderers, who, like hungry wolves, follow in the train of the captors. These wretches rifle the houses, and strip the helpless, unoffending owners of all they have on earth. Females, who have habituated to comforts and comparative affluence, are driven on foot before the bayonets of brutal men.

Evan Jones, 1838

In My Own Words:

Signed _____
Date _____

The Framing of a Constitution

Grade Level and Number of Class Periods:

Grade 5, three class periods

Alignment to California Standards:

History-Social Science Content Standards

5.7.2 Explain the significance of the new Constitution of 1787, including the struggles over its ratification and the reasons for the addition of the Bill of Rights.

English-Language Arts

Reading Comprehension

2.4 Draw inferences, conclusions, or generalizations about text and support them with textual evidence and prior knowledge.

Literary Response and Analysis

3.2 Identify the main problem or conflict of the plot and explain how it is resolved.

Key Words Or Terms:

absolute power	compromise	judicial review
Articles of Confederation	delegates	ratify
Bill of Rights	democracy	representatives of the people
checks and balances	judiciary	separation of powers

Lesson Overview:

Students explore some issues and compromises of the Constitutional Convention of 1787 that resulted in the creation of the new Constitution that replaced the Articles of Confederation. Students assess what they know about the three branches of government to start the lesson. They study the process of creating the constitution from the point of view of a delegate with an emphasis on the compromises that were required. The lesson ends with an activity designed to illustrate the consequences of too much power given to or taken by one part of government.

Lesson Objectives:

1. Understand some issues involved in creating the Constitution
2. Understand the roles of each branch of government
3. Explore the reasoning behind “separation of powers”
4. Develop individual decision making skills
5. Develop consensus building skills

Materials Needed:

- access to the Internet
- student copies Worksheet- The U.S. Government – Who Does What?, page 20
- student copies Worksheet – The Constitution-A Document of Compromise, page 21

Lesson Procedures:

1. Teacher sets the stage for the lesson with a brief summary of steps leading up to the Constitutional Convention. This summary could be provided through a reading from a book such *Shh! We're Writing the Constitution* by Jean Fritz, pages 9-10 or by reading the following summary:

The Constitutional Convention that took place in 1787 was called to address concerns with the first governing document of the United States: The Articles of Confederation. Many delegates to the Convention believed that the Articles did not provide the national government enough authority. For example, they didn't provide the authority to collect taxes so the government did not have any money. They didn't provide any ability to make the states live up to agreements they made with other nations. Some delegates wanted to change the Articles a lot to give much more power to the national government. These delegates were called federalists. Other delegates wanted to change the Articles a little to make sure the states had enough power. These delegates were called anti-federalists.
2. What do the students already know about government structure developed at the Convention? Students complete the Worksheet "Who Does What" on page 20 to assess their current knowledge of the three branches. This process is designed to provide a foundation for the rest of the lesson procedures.
3. Teacher assigns students to research the life and point of view on a Constitution of a delegate who attended the Constitutional Convention called for in 1787. (If desired, the same delegate can be assigned to multiple students. For example, the class could be divided into thirds to represent Benjamin Franklin, James Madison and George Mason.) The names of the delegates as well as a brief biography can be found at the National Archives website, *Charters of Freedom (America's Founding Fathers* http://www.archives.gov/national_archives_experience/constitution_founding_fathers.html).
4. Writing as their delegate, students complete the Worksheet "The Constitution-A Document of Compromise". The purpose of the worksheet is to have students explore some of the key issues involved in the creating of the constitution and how it would not have been approved if the delegates had been unwilling to compromise. An extensive list of print and non-print resources is provided under the Resources section of this lesson to aid in completion of the worksheet, including *The Constitution*, *Shh! We're Writing the Constitution* and the National Archives website, *Charters of Freedom*. An easy to read biography of each "founding father" is also found at *ConstitutionFacts.com* <http://www.constitutionfacts.com/index.shtml> . The *National Constitution Center* website includes an interactive version of the Constitution which students can use to search for key terms, such as checks and balances. The reference section at the back of the *We the People* text includes a brief biography of each of the important framers. The Cobblestone issue entitled *The*

Branches of Government, Balancing the Power (pages 3-7 and 10-11), is particularly accessible for students. The book *Creating the Constitution: 1787* would also be helpful in explaining the issues, the compromises, concepts such as separation of powers and providing information about the delegates. Other classroom and library resources could also be used.

5. Teacher leads a grand discussion regarding what students found. What kinds of things did the delegates agree on? (A strong national leader but not a king, laws made by representatives of the people, courts of law acting independently under the constitution) What were the major disagreements (slavery, representation, need for a bill of rights)? How were the compromises reached? Why is compromise important in government? Students do a quick-write, "When and how has compromise played a part in my life?"
2. To illustrate the importance of shared and balanced powers, students will work in groups to create a brief skit. Divide students into 3 groups. Further divide these groups into smaller groups consisting of at least 3 students in each smaller group. Each group is to develop a short skit (no more than 5 minutes) illustrating something they learned through the lesson about the distribution of power. The resources section includes print and non-print resources to assist with this activity. Assign each group one of the following scenarios or develop your own that illustrate key points:
 - Skit showing the branches working together cooperatively.
 - Skit to illustrate one branch taking too much power.
 - Discussion among the branches as to who has what power.

Lesson Evaluation:

Read the following two paragraphs from Joy Hakim, in Volume 3 of *A History of US* ⁴³ :

"It wasn't perfect, said Ben Franklin, but it was better than he had expected. 'It astonishes me,' he said, 'to find this system approaching so near perfection as it does; and I think it will astonish our enemies.' Tears are said to have streamed down Franklin's cheeks as he signed his name. He pointed to the chair where George Washington had sat all summer as president of the Convention. Carved on the chair's back was a half-sun with sunbeams. Franklin said he had often wondered if it were a rising or a setting sun. Now he knew: the sun was rising...

"But most of the delegates, like Benjamin Franklin, remembered the old proverb: half a loaf is better than no bread at all. They knew the Constitution was an amazing document. It had faults, but it also had the cure for those faults in a built-in amendment process. The American people, with much wisdom, would make use of that amendment process. In time they would fix the faults. They began at once."

What was Franklin's view of the Constitution? Why do you think he said "I confess that there are several parts of this constitution which I do not at present approve, but I am not

⁴³ Pages 184-185 of the volume "From Colonies to Country, 1735-1791, Oxford University Press.

sure I shall never approve them..”⁴⁴ , but still encouraged his fellow delegates to sign the Consitution and the states to ratify (approve it) at their Conventions?

Extension Activities/Lessons:

1. Plan to participate in the *I Signed the Constitution* program sponsored by the National Constitution Center during National Constitution Week (September 17 - 23). Participants sign parchment scrolls, relive the experience of our country's Founders, learn about and recommit themselves to the ideals and principles of today's Constitution. The event is held at various locations throughout the country. Teachers can request to be put on a mailing list to find out about the event and/or order materials to host an event at your school. The materials are free, except for shipping charges. See contact information in Resources, non-print section of this lesson.
Note: if the Constitution is not studied until April or May, the materials could still be requested and the activity coordinated by an individual school or school district. The activity could coincide with Law Day instead, which is celebrated in May. Contact the superior court in your county for information about Law Day.
2. Students test their knowledge of the Constitution by completing the Worksheet on page 22. Students read each statement, determine if it is true or false and write an explanation.
3. What was important about the Constitutional Convention of 1787 that students have been studying? Working in groups of 3-4, students complete the graphic organizer on page 23. Students think about what they have learned and enter information in each quadrant category: people, places, things, and ideas. The “things” category is intended to capture descriptions that bring the event to life, such as description of clothing, writing instruments, weather, and other appropriate descriptions. Teacher conducts a grand discussion regarding the results in each category.
4. The facilities that house our government offices provide symbols of our democracy and help underscore the principles that form the foundation of government. Although there are many government buildings in the United States, the Supreme Court, White House and Capitol are three of the most significant and recognizable. The class is divided into three groups to study one of these buildings. Students draw a picture of their assigned building on large paper. Groups explore important facts and history about the buildings websites listed below. For example, why did the Supreme Court not have a permanent home until 1935? What does the White House symbolize about America? What is the significance of the Statue of Freedom on the dome of the capitol?

⁴⁴ The U.S. Constitution Online, Speech of Benjamin Franklin <http://www.usconstitution.net/franklin.html>. Teachers may wish to review the rest of the speech included here.

Supreme Court Historical Society, *Homes of the Court*
http://www.supremecourthistory.org/02_history/subs_sites/02_d.html

The White House Historical Association, *Classroom Building the White House*
http://www.whitehousehistory.org/04/subs/04_a02_c.html

The Architect of the Capitol, The United States Capitol: An Overview of the Building and its Function http://www.aoc.gov/cc/capitol/capitol_overview.htm

Resources:

Print

Center for Civic Education. *We the People*. Calabasas, California: Center for Civic Education, 2002. Student text for upper elementary and middle school are both excellent sources for this lesson. Historical information, activities and exercises, and resources are included in each text. The upper elementary text includes Unit Two that addresses how the constitution was written (pages 50-75) and Unit Three, how the framers organized our government (pages 74-102). The reference section at the back also includes a copy of the Constitution, a list of the signers and biographies of important framers.

Collier, Christopher. *Creating the Constitution: 1787 (Drama of American History)*, New York, New York: Benchmark Books, 1998. Written for readers aged 9-12, this book addresses the creating of the Constitution in an engaging manner. Particularly relevant for this lesson, it includes chapters on “Compromises” (conflicting interests between large and small states and the North and South) “Principles (separation of powers, natural rights, federalism) and “Great Men Gather” (the personalities who came to Philadelphia).

Fritz, Jean. *Shh! We’re Writing the Constitution*. Putnam Juvenile, 1997. Tells the story of how the Constitution was written, including details of working conditions during the Constitutional Convention of 1787, such as addressing fears some had of a national government. Includes a copy of the Constitution.

The Branches of Government, Balancing the Power. *Discover American History*,

A Cobblestone Publication. Carus Publishing Company. January, 2003. Pages 1-15 are particularly useful for this lesson. Issue includes several articles to help students understand the difference between the three branches, how power is shared and the checks and balances. Issues of discussion and controversy among the framers at the Constitutional Convention of 1787 are also explored.

Non-print

ConstitutionFacts.com

<http://www.constitutionfacts.com/index.shtml>

Great site for student accessible research. Includes access to the Constitution and other founding documents, with “fascinating facts” to make the subject come alive for

students. A brief biography of each signer of the Constitution is included, as well as more in depth information under the “founding fathers” link. Includes famous quotes about the Constitution and democracy, a timeline and fascinating facts about the Supreme Court.

First Federal Congress Project, *Birth of the Nation, The First Federal Congress, 1789-1791*

<http://www.gwu.edu/~ffcp/exhibit/>

This site addresses events that occurred after the Constitutional Convention of 1787. The members of the First Federal Congress continued to discuss governmental structure issues in depth. Access to primary source documents, illustrations, cartoons, newspaper articles, speeches are included here. The exhibit addresses 14 topics exploring the creation of the United States governmental structure, such as creating an executive, creating a judiciary, the compromise of 1790. Each category has an introductory section that summarizes the main points of the section, followed by links to primary sources.

FindLaw: *Annotated Constitution*

<http://www.findlaw.com/casecode/constitution/>

The complete text of the U.S. Constitution, from the preamble through the Twenty Seventh Amendment. Each area includes annotations to explain the history of the section and reasoning behind the wording. Provided for teacher background as the reading level is difficult.

Library of Congress, *America's Story from America's Library*

<http://www.americaslibrary.gov/cgi-bin/page.cgi>

Stories about American events and individuals during the revolutionary period are accessible from the *Jump Back in Time* section of this site.

National Constitution Center

http://www.constitutioncenter.org/index_no_flash.shtml

The Center is dedicated to increase public understanding of the Constitution, its history, and relevance to today's society. The Center provides both brief and in-depth ways of studying the Constitution. For example, Fast Facts provides a quick overview of the basics. An in-depth study can be undertaken through the *Explore the Constitution* section. An interactive version allows users to explore the constitution by entering key words and linking to explanations, searching by 300 different topics such as separation of powers, and selecting a landmark supreme court case to review.

Information about the *I Signed the Constitution* program referenced in this lesson is also included. Since 1991, adults and children have the opportunity to sign parchment scrolls, reliving the experience of the Founding Fathers and learning about and recommitting themselves to the ideals and principles of the Constitution. Click on the *I Signed the Constitution* link to access a form to be put on the mailing list to receive more information. The form may be faxed to 215-409-6650.

The National Archives Experience, The Charters of Freedom A New World is at Hand

http://www.archives.gov/national_archives_experience/charters_of_freedom_4.html

Site provides individual essays and photographs, drawings regarding many key documents, from the Declaration of Independence, the Articles of Confederation, the Marbury v. Madison case that established judicial review and access to primary source documents such as the Constitution, the Bill of Rights and the Declaration of Independence, biographies of the framers, interesting facts about the Constitution presented in a question and answer format. Excellent site for student research.

University of Chicago Press and The Liberty Fund, The Founder's Constitution

<http://press-pubs.uchicago.edu/founders/>

Writings from people engaged in the early forming of the U.S. Government are available. Documents range from the early seventeenth century to the 1830's and include philosophical reflections, popular pamphlets, public debates, and private correspondence. Selections are arranged, first, "according to broad themes or problems to which the Constitution of 1787 has made a significant and lasting contribution," and then by article, section, and clause "from the Preamble through Article Seven and continuing through the first twelve Amendments." The reading level is difficult but as the site provides access to a wide range of primary source documents, it is included for teacher reference.

National Standards for Civics and Government

Grades 5-8 Content II (A) 1. The American idea of constitutional government. Students should be able to explain the essential ideas of American constitutional government.

Grades 5-8 Content III (A) 1. Distributing, sharing and limiting powers of the national government. Students should be able to explain how the powers of the national government are distributed, shared and limited.

Worksheet- The US Government-Who Does What?

Fill in what you know about the responsibilities of each branch and what they can't do.



The Legislative Branch:

The Executive Branch



The Judicial Branch

Worksheet –The Constitution, A Document of Compromise

Read the following questions, using available resources. Write on the back or attach another piece of paper if you need more room.

1. What does it mean to compromise?
2. What issues did delegates seem to agree about?
3. What were the major disagreements of the Convention? What did your delegate say about these issues?
4. What do the following terms mean and how were they applied to the Constitution?
 - a. separation of powers
 - b. balancing powers
 - c. checking powers
5. What were some compromises that were made at the Convention?
6. Why is it important to compromise?

Test Your Knowledge about the Constitution

Read each statement in the left hand column and decide if it is true or false. Put a T for True or an F for false in the right hand column and explain your answer.

Statement	True or False? Why?
1. The Supreme Court is part of the Executive Branch.	
2. The federalists thought that the Constitution did not need a Bill of Rights.	
3. The powers of the President include Commander in Chief and only the President can declare war.	
4. The Supreme Court can make a decision that a law passed by Congress is unconstitutional.	
5. The President can veto laws and the Congress can't do anything about it.	
6. The role of the Congress is described in Article II of the Constitution.	
7. The Articles of Confederation were replaced by the Constitution because they gave the national government too much power.	
8. The Senate nominates Supreme Court Justices with approval from the President.	
9. Delegates that attended the Constitutional Convention in 1787 included Benjamin Franklin, Alexander Hamilton and Thomas Jefferson.	
10. The Constitution includes the specific number of Supreme Court Justices.	

**Worksheet: What Was Important about the
Constitutional Convention of 1787?**

PEOPLE	THINGS
IDEAS	PLACES

The First Amendment and the Supreme Court

Grade Level and Number of Class Periods:

Grade 5; three class periods

Alignment to California Standards:

History-Social Science

5.7 Students describe the people and events associated with the development of the U.S. Constitution and analyze the Constitution's significance as the foundation of the American republic.

5.7.2 Explain the significance of the new Constitution of 1787, including the struggles over its ratification and the reasons for the addition of the Bill of Rights.

English-Language Arts

Reading Comprehension

2.3 Discern main ideas and concepts presented in texts, identifying and assessing evidence that supports those ideas.

Writing Applications

2.3 Write research reports about important ideas, issues, or events...

Listening and Speaking Strategies, Organization and Delivery of Oral Communication

1.4 Select a focus, organizational structure, and point of view for an oral presentation.

1.5 Clarify and support spoken ideas with evidence and examples.

1.6 Engage the audience with appropriate verbal cues, facial expressions, and gestures.

Key Words Or Terms:

abridging

dissent

prohibit

affirm

establishment of religion

sedition

Bill of Rights

free exercise of religion

slander

censor

chief justice

symbolic speech

concur

judicial review

unconstitutional

Lesson Overview:

This lesson focuses on the role of the Supreme Court in interpreting our rights. To make this a manageable subject for 5th graders, the lesson moves from a broad view of rights as contained in the Bill of Rights to a specific focus on three aspects of the First Amendment: freedom of religion, freedom of speech and freedom of the press. The lesson starts with students imagining a world without rights. Students then work in groups acting as representatives to the First Federal Congress ranking the importance of the rights included in the Bill of Rights. Students explore some landmark Supreme Court cases to illustrate the role of the court in interpreting the Constitution and familiarize students with some of the basic liberties provided by the First Amendment.

Lesson Objectives:

1. Understand how the courts protect our rights.
2. Analyze and evaluate rights as listed in the U.S. Constitution.

3. Understand the concept of judicial review.
4. Become familiar with three of the five freedoms provided by the First Amendment
5. Explore conflicts among competing rights and values

Materials Needed:

- teacher copy-Amendments to the Constitution of the United States, page 32-33
- student copies worksheet-Our Rights, page 34
- one copy Marbury v. Madison, page 35
- enough student copies for one third of the class: worksheet First Amendment, Freedom of Religion, page 36
- enough student copies for one third of the class: worksheet First Amendment, Freedom of Speech, page 37
- enough student copies for one third of the class: worksheet First Amendment, Freedom of the Press page 38

Lesson Procedures:

1. The Constitution was ratified by the people on the promise of a Bill of Rights. Why was a Bill of Rights so important? To help students understand the importance of written laws about these freedoms, have them imagine a world without rights. Give some examples to get them thinking or read the introduction to *In Defense of Liberty The Story of America's Bill of Rights*, page 1-2 or from the Cobblestone issue *Our Bill of Rights*, page 2.
2. Distribute the Worksheet-Our Rights Under the U.S. Constitution. This sheet represents some of the more familiar rights included under the Bill of Rights. (A copy of all ten amendments is included for teacher reference on pages 32-33). Class discusses what each right means as a group. Students review the rights individually and select five rights they think are the most important.

Organize students in small groups of 3-4. Students imagine they are part of the First Federal Congress in 1789 debating which rights they think are important enough to become part of the Constitution. Instruct each group to come up with a consensus as to which rights to keep. Request a spokesperson from each group to report on their group's decision. Teacher tallies responses on the board or on a flip-chart. As a class discuss the rights that were selected and those that were not.

3. The Supreme Court has been asked many times in our history to decide whether individuals have been denied liberties guaranteed to them under the Bill of Rights. The Supreme Court is able to do this because of its power of judicial review: the power to say that a law is in conflict with the Constitution and therefore is not valid. Teacher selects a volunteer student to read *Marbury v. Madison*, page 35, the case that established the power of judicial review. Initiate a class discussion regarding this power. Do students agree that there should be one government body to interpret the Constitution? Should it be the Courts? If not, why not? Would it work if it were the President? Should all the branches have this authority? What problems might result if they did?

4. Lead a class discussion, “What checks are there to make sure that the courts don’t have too much power?” Teachers may wish to write these on the board or a flip chart to increase discussion opportunities and clarify the points for students.
 - The courts can only make decisions on the cases that come before them. They have to wait for people to initiate cases; they don’t go out and get cases.
 - Courts don’t control the budget or the military. These duties are assigned to other branches.
 - The power to enforce court orders comes from our society’s foundation on the rule of law. We follow court orders because it makes our society more peaceful and orderly.
 - Judges do not declare laws unconstitutional very often.
5. How has the power of judicial review been used to decide court cases involving the First Amendment? Organize students into three groups: freedom of religion, freedom of speech and freedom of the press. Each of these groups should be divided into manageable sized student teams of 3-4 students. These teams will work together through the remainder of the lesson.
6. Students will complete a mini-research project for their First Amendment topic, described on the appropriate worksheet: Freedom of Religion, Freedom of Speech and Freedom of the Press. The activity will conclude with each student team making a presentation to the class about their topic.
 - a. Distribute copies of the appropriate case worksheet on pages 36-38 to each group.
 - b. Student teams complete the research assignment on their worksheet, using the print and non-print resources identified on the worksheet or any appropriate classroom or library materials.
 - c. Students read the facts in the Supreme Court case assigned to their group (information is included on the worksheet). Each student writes a brief summary of how he or she thinks the case should have been decided.
 - d. When groups have finished their worksheets, teacher provides them with a summary of the actual Supreme Court decision in their assigned case:
 - Freedom of Religion case – *West Virginia Board of Education v. Barnette*
The Justices upheld the claims of the Jehovah Witnesses and struck down the requirement that students must salute the flag and recite the Pledge of Allegiance each school day. The court did not prohibit patriotic ceremonies but said that students may be excused if there is a conflict with their religious beliefs.
 - Freedom of Speech case – *Tinker v. Des Moines*
The Court ruled that the “armbands were a legitimate form of “symbolic speech”, protected by the First Amendment”. The Justices said that since the armbands did not “materially and substantially disrupt the work and discipline of the school” the students should not have been prohibited from wearing them.

- Freedom of the Press case – *Hazelwood School District v. Kuhlmeier*
The Court ruled that although schools may not limit the personal expression of students that happens to occur on school grounds, they do not have to promote student speech that they do not agree with. This decision gave schools the power to censor activities such as school plays and school newspapers as long as the school finances the activities and there are grounds for the censorship.
 - e. Students discuss the decision among the group and be prepared to tell the class during their presentation if they agree or disagree with the Supreme Court decision and why.
7. Class meets as a group. Student teams take turns making their presentations to the class. What did they learn about their First Amendment topic? Do they have the same belief about the importance of this liberty as they did when the lesson started? Did the majority of the group agree or disagree with the Supreme Court’s decision? Why or why not?

Lesson Evaluation:

The following quote is from the majority Supreme Court opinion in the *Barnette* case:
“The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes [changing nature] of political controversy, to place them beyond the reach of majorities and officials, and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.”⁴⁵

Students work in pairs, with access to a dictionary and thesaurus. Student pairs read the quote and rewrite in their own words. Do you agree with Justice Jackson’s view of the Bill of Rights? Why or why not?

Extension Activities and Lessons:

1. Students read *Before We Were Free*. Students draw a picture or write a poem about the story that contrasts the life without freedom described in the story with the rights we have in the United States.
2. Create a class newspaper about three of the five freedoms found in the First Amendment that were the focus of this lesson: freedom of speech, freedom of press and freedom of religion. Some ideas that could be included are: an advertisement promoting the highlights of one of the freedoms, student essays, photos from newspapers, magazines or taken by the students that illustrate the freedoms, student developed comic strips that illustrate something about the First Amendment. Many websites are provided in Resources to assist with this activity.

⁴⁵ West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943) Justice Jackson, majority opinion, page 639.

3. Organize the class into 10 groups, one for each amendment in the Bill of Rights. Each group picks a number from one to ten out of a jar. The number corresponds to the amendment in the Bill of Rights they are assigned. The group does research on the amendment, as needed. The print section includes books to assist with this research including *In Defense of Liberty* and *A Kid's Guide to America's Bill of Rights: Curfews, Censorship, and the 100-Pound Giant*. The non-print section also includes resources, such as the *Bill of Rights Institute* website. Each group takes a large sheet of poster paper to create a depiction in words, drawings, and cutouts from magazines and newspapers of their amendment. The posters are titled appropriately and each member of the groups "signs" the creation. The posters are displayed in the hallway or multi-use room for others to learn and enjoy.
4. Students read *The Landry News* listed in print resources. Students take on the role of "editor in chief" of a newspaper. Using the motto "truth and mercy" of *The Landry News* to guide them, students write an editorial about the book. What First Amendment freedoms were addressed in the story? What were the different views of the First Amendment held by the principal and Cara's teacher? What did you learn about freedom of the press? Why should others read this story?
5. As of 2004, our nation has had only 16 Chief Justices, including William H. Rehnquist the current Chief Justice, who has served in that role since 1986. A list of the Chief Justices is found on page 39. Assign pairs of students a Chief Justice to research. Students should identify interesting facts about his growing up years, career before becoming a member of the Supreme Court and famous decisions that occurred during his time on the bench. Information about the Court during the each of the Chief Justices tenure can be obtained from the Supreme Court Historical Society website listed in non-print resources. Specific information about the justices can be found at the Federal Judicial Center website, and some of them are included in the *Great Justices of the Supreme Court* book listed in print resources below. Information can also be found through a basic Internet search as well as through encyclopedias. Students use the information they have gathered to write a report highlighting the Chief Justices' life and career.

Resources:

Print

Aaseng, Nathan. *Great Justices of the Supreme Court*. Library Binding, 1992. This book profiles eight justices of the Supreme Court, including their life, early career, appointment process and landmark cases. The justices include John Marshall, Roger Taney, John Harlan, Oliver Wendell Holmes, Louis Brandeis, Charles Evans Hughes, Hugo Black, and Earl Warren. Although written for older students, this book would provide an excellent classroom resource for researching the lives of various justices and learning more about famous Supreme Court decisions.

Alvarez, Julia. *Before We Were Free*. Knopf, 2002. The setting is the Dominican Republic during the 1960-61 attempt to overthrow Trujillo's dictatorship. The

narrator is 12 year old Anita who at first is too self absorbed to realize what is going on but then sees her cousins fleeing to America with their families and that her own family is in serious danger due to involvement with a plot to kill the dictator. Provides an excellent vehicle for contrasting what life is like in a country without the freedoms we often take for granted.

Clements, Andrew. *The Landry News*. New York, New York: Simon & Shuster Books for Young Readers, 1999. A shy fifth grader publishes a newspaper called the Landry News. Her first editorial is about a teacher “who does not teach”, which turns out to be the inspiration the teacher needed to start teaching and a motivator for the whole class to want to help with the newspaper. Unfortunately, the newspaper gives the principal the excuse he has been waiting for to try to get rid of the teacher. Many important issues are covered in this story including the Constitution, free speech, newspaper reporting and the power of words.

Freedman, Russell. *In Defense of Liberty: The Story of America's Bill of Rights*. New York, New York: Holiday House, 2003. A comprehensive discussion of the Bill of Rights presented through real life case scenarios. Each of the first ten amendments of the Bill of Rights are discussed in individual chapters that include relevant Supreme Court decisions. The writing style, historical information, photographs and drawings make for fascinating reading.

Kathleen, Krull. *A Kid's Guide to America's Bill of Rights: Curfews, Censorship, and the 100-Pound Giant*. New York, New York: Avon, 1999. The author uses a variety of methods such as stories, case studies and humor to help students understand the first ten amendments to the U.S. Constitution.

Our Bill of Rights. Cobblestone Magazine. Peterborough NH: Cobblestone Publishing. September 1991. This issue explores the process of creating the Bill of Rights in-depth. The debate between the Federalists and Anti-federalists regarding the need for a Bill of Rights is explored, as well as specific points of view of individual delegates; Madison's role is securing the Bill of Rights, and current issues regarding individual freedoms.

Our First Amendment, Freedom of the Press. *Discover American History*,

A Cobblestone Publication. Carus Publishing Company. January, 1999. Provides historical background into freedom of the press issues, covers the famous Zenger case, Nellie Bly's role in using the press to promote social justice, the history of prior restraint, also includes literature resources and activities.

Our First Amendment, Freedom of Religion. *Discover American History*,

A Cobblestone Publication. Carus Publishing Company. January, 2000. Explores the reasons for and the interpretation of the First Amendments freedom of religion clauses, discusses religious freedom during the colonial era, how religious freedom is addressed in public schools, also includes some modern day religious liberty issues.

Our First Amendment, Free Speech. *Discover American History*,

A Cobblestone Publication. Carus Publishing Company. January, 1998. Explores the meaning of free speech and the challenges that it has faced throughout US history, from the Sedition Act to McCarthyism. Issues of direct importance to students such as students' rights to free speech at school and how dress codes and free speech are related are discussed. Supreme Court decisions are interwoven throughout the discussion, including various tests that have been developed to determine the balance between free speech and other rights.

Non-print

Bill of Rights Institute, *Landmark Supreme Court Cases*

<http://www.billofrightsinstitute.org/sections.php?op=viewarticle&artid=43>

Access a summary of Landmark Supreme Court cases, organized by category, such as freedom of speech, freedom of the press, right of private property, criminal procedure and more.

Exploring Constitutional Conflicts, *First Amendment Law*

<http://www.law.umkc.edu/faculty/projects/ftrials/firstamendment/firstamendmenthome.htm>

Discusses issues and Supreme Court cases related to First Amendment issues including free speech and the establishment clause and freedom of religion. Not all of the information included will be understandable to 5th graders but the introductory sections will be useful for this lesson.

Federal Judicial Center, History, *Judges of the United States Courts*

<http://www.fjc.gov/history/home.nsf>

Links to all federal judges who have served on the various courts since 1789. Click on the first initial of the last name or type in the name in the search box to access a judges' biographical information.

National Constitution Center

http://www.constitutioncenter.org/index_no_flash.shtml

The "Interactive Constitution" section of this website is ideally suited for both the procedures and extension activities for this lesson. Students can enter a term in the key words or terms box, such as *establishment clause*. The search results in the top box will highlight areas where the term is used in the Constitution. Clicking on one of the underlined terms will result in a second box at the bottom of the screen with more information from "*The Words We Live By*" written by Linda Monk. Users may also choose to search by 300 different topics such as Bill of Rights, or selecting a landmark Supreme Court case to review.

Newseum – *The Interactive Museum of News*

<http://www.newseum.org/>

This interactive news museum was created to help the public and the news media understand one another better and to celebrate the uniqueness of the First Amendment

in keeping Americans forever free. Includes a timeline of news history, the current date's front pages from newspapers around the world, a journalist memorial dating back to the 1800s. The teaching tools section gives an overview of the history and principles behind the First Amendment that are particularly relevant to this lesson:

<http://www.newseum.org/educationcenter/teachingtools/index.htm>

Supreme Court Historical Society

<http://www.supremecourthistory.org/>

Highlights include legal developments (laws, decisions) organized by the service dates of a particular chief justice (photos are included), the various locations of the supreme court prior to its current location are described, a variety of court quizzes based on the information contained in the site, a timeline of the justices, and a historical feature.

National Standards for Civics and Government

Grades 5-8 Content II (A) 1. The American idea of constitutional government. Students should be able to explain the essential ideas of American constitutional government.

Grades 5-8 Content III (E) 1. The place of law in American society. Students should be able to explain the importance of law in the American constitutional system.

Amendments I through 10 to the Constitution of the United States of America, The Bill of Rights

Amendment I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people to peacefully assemble, and to petition the Government for redress of grievances.

Amendment II.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Amendment VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process or obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, then according to the rules of the common law.

Amendment VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Amendment IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Amendment X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Our Rights under the U.S. Constitution

_____ Right to freedom of speech

_____ Right to bear arms

_____ Right to legal counsel

_____ Right to protection from cruel and unusual punishment

_____ Right to freedom of press

_____ Right to jury trial

_____ Right to freedom of religion

_____ Right to peacefully assemble

_____ Protection from self-incrimination (testifying against oneself in a criminal trial)

_____ Right to protection from unreasonable searches and seizures

Marbury v. Madison (1802)

This case started with a judicial appointment for a man named William Marbury. The appointment was made by John Adams at the very end of his presidency. He filled all the judge positions that were open with people he thought shared his political beliefs, so that even when he was not president anymore, his party (the Federalists) would have control over the judiciary.

The law that allowed Adams to make this appointment was the Judiciary Act of 1789, passed by Congress. There was supposed to be a letter delivered to Marbury telling him about his judicial job and making his appointment official. Marbury's appointment letter, however, did not get delivered to him before Adams presidency was over. A new president, Thomas Jefferson took over. He did not consider the appointment of Marbury valid because the letter was never delivered.

Marbury kept waiting for his judicial appointment, it never came. Finally, he appealed to the Supreme Court. He claimed that the Supreme Court had the power under the Judiciary Act (passed by Congress) to order the Secretary of State, Madison, to give him his appointment. The Supreme Court had to decide if Marbury should get his appointment. Chief Justice John Marshall wrote the Court's decision. The decision said that Marbury had a right to his judicial appointment. The Court also said that they could not give Marbury his appointment because the federal law passed by Congress was in conflict with the constitution, thus it was unconstitutional.

Chief Justice John Marshall said "It is emphatically the province and duty of the judicial department to say what the law is." This case did two very important things. It clarified that the Constitution was the "supreme law of the land" and that it was the Court's job to interpret the meaning of the Constitution.

Worksheet

First Amendment-Freedom of Religion

Your team has been assigned to research freedom of religion, as provided by the First Amendment. To answer questions 1-3, you will need to do some research. See *In Defense of Liberty*, Chapter 3 (starts on page 23) the *Cobblestone* issue of *Our First Amendment Freedom of Religion*, pages 1-10 or classroom textbooks or encyclopedias that deal with the early days of the 13 colonies and the creation of the Bill of Rights. Internet sources would also be helpful, particularly the *National Constitution Center* (*interactive constitution*) <http://www.constitutioncenter.org/index.asp> and *Newseum* <http://www.newseum.org/educationcenter/teachingtools/index.htm> Write your answers on the back of the page or attach a sheet of paper.

1. Why was religious freedom important to the colonists?
2. What was the experience colonists had with religious freedom in the 13 colonies? How was this different in Rhode Island, Virginia and Pennsylvania?
3. What does “establishment of religion” mean in the First Amendment? What does “free exercise” mean?
4. Read the following summary of the *West Virginia Board of Education v. Barnette* (319 U.S. 624 (1943))⁴⁶ case:

During the time of World War II, students were required to recite the Pledge of Allegiance. It was a difficult time in the history of religious freedom because of the war and the public need for everyone to show their patriotism.

Two sisters, Marie and Gatha Barnett (the case name is misspelled in Court records) were sent to the principal's office for refusing to salute the flag. These girls did not salute the flag because of their religion. Jehovah Witnesses were taught that worship of “graven images” those that are not sacred, is wrong, even the flag. All students without exception were required by the school district to participate in the flag salute. The girls were expelled and ridiculed by their classmates. An intense wave of anti-Witness hysteria hit the country, including beatings, being followed, jeered at, forced to drink castor oil, a mob of 2500 also burned down a Jehovah Witness' church in Maine.

Attorneys for the girls wanted to overturn a 1940 ruling that required forced saluting of the flag. They filed a case with the Supreme Court with the hopes of winning a new hearing. On June 14, 1943, (Flag Day), the Justices issued their ruling.

How would you decide this case?

⁴⁶ Summary from *In Defense of Liberty, The Story of America's Bill of Rights*, Russell Freedman, pages 23-25 and 38-40.

Worksheet

First Amendment -Freedom of Speech

Your group has been assigned the topic of freedom of speech. To answer questions 1-3, you will need to do some research. See *In Defense of Liberty*, Chapter 4 (starts on page 43) the *Cobblestone* issue of *Our First Amendment Freedom of Speech* pages 1-21 or classroom textbooks or encyclopedias that deal with the early days of the colonies and creation of the Bill of Rights. Internet sources would also be helpful, particularly the *National Constitution Center* (*interactive constitution*) <http://www.constitutioncenter.org/index.asp> and *Newseum* <http://www.newseum.org/educationcenter/teachingtools/index.htm> Write your answers on the back of the page or attach a sheet of paper.

1. What does “freedom of speech” mean? Why was it important to the colonists?

2. Explain how the Alien and Sedition Acts (1798) placed limits on freedom of speech.

3. In what kinds of situations do you think it would be acceptable to limit freedom of speech? Give examples.

4. Read the following summary of the Supreme Court case *Tinker v. Des Moines Independent Community School District* 393 U.S. 503 (1969)

Dec. 16, 1965, Mary Beth Tinker, 13, from Des Moines, Iowa wore a black armband with a peace symbol to class at Warren Harding Jr. High. It was a protest for those who died in Vietnam and to support a truce. It had been announced by the school two days earlier that any student who wore an arm band to school and refused to remove it would be suspended. Both Mary Beth and another student, Christopher Eckhardt, were suspended. Mary Beth’s brother John was also suspended the follow day for wearing one.

After the winter break, these students didn’t wear the arm bands, but challenged the ruling through their fathers. The suit filed in U.S. district court claimed that children have the same constitutional rights to free speech inside school as they do outside of it. The U. S. District Court disagreed. They acknowledged that arm bands were a form of speech but decided that it was the “disciplined atmosphere of the classroom” needed to be protected over the student’s free speech rights. The students appealed but the U.S. Court of Appeals. The justices of this court were not in agreement over the case, so the ruling against the students remained in effect. The next step was the Supreme Court, who issued its ruling on Feb. 24, 1969.

How would you decide this case?

Worksheet

First Amendment -Freedom of the Press

Your group has been assigned the topic of freedom of the press. To answer questions 1-3, you will need to do some research. See *In Defense of Liberty*, Chapter 4 (starts on page 43) the *Cobblestone* issue of *Our First Amendment Freedom of the Press* pages 1-12 or classroom textbooks or encyclopedias that deal with the life in the colonies and creation of the Bill of Rights. Internet sources would also be helpful, particularly the *National Constitution Center* (*interactive constitution*) <http://www.constitutioncenter.org/index.asp> and *Newseum* <http://www.newseum.org/educationcenter/teachingtools/index.htm> Write your answers on the back of the page or attach a sheet of paper.

1. What is “freedom of the press”? Why was it important to the colonists?
2. Describe the main events and the decision in the famous case of John Peter Zenger in 1734.
3. Rewrite the meaning of this quote by Thomas Jefferson in your own words “The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.”
4. Read the following summary of the Supreme Court case *Hazelwood School District v. Kuhlmeier* 484 U.S. 260, 108 S.Ct. 562 (1988)

Kathy Kuhlmeier and two other students wrote articles dealing with sensitive topics such as divorce for their school newspaper. The newspaper was written and edited by the journalism students and was part of the school’s regular curriculum. Their teacher submitted page proofs to the principal for approval. The principal objected to the articles because he felt that even though false names were used, the students that were described could be identified. The principal also felt that some of the language used was not appropriate for younger students. When the newspaper was printed, two pages containing the articles in question as well as four other articles approved by the principal were deleted.

The students who wrote the articles filed a case in the District Court to protest the principal’s action. The District Court said that there was no violation of the students First Amendment rights. The students appealed and won and then the school filed a case in the Supreme Court. How would you decide this case?

Chief Justices of the Supreme Court of the United States

John Jay

John Rutledge

Oliver Ellsworth

John Marshall

Roger Brooke Taney

Salmon Portland Chase

Morrison Remick Waite

Melville Weston Fuller

Edward Douglass White

William Howard Taft

Charles Evans Hughes

Harlan Fiske Stone

Fred Moore Vinson

Earl Warren

Warren Earl Burger

William H. Rehnquist

Equal Rights⁴⁷

Grade Level and Number of Class Periods:

5th Grade- This can be a one-day or one-week lesson. It can be a “dramatic moment” lesson to equal rights under the Constitution, or an introduction to a more extensive investigation to the topic of equal rights as a principle of American constitutional democracy that can include several of the standards for grade five in history-social science and English-language arts.

Alignment to California Standards:

History-Social Science

5.7.3 Understand the fundamental principles of American constitutional democracy, including how the government derives its power from the people and the primacy of individual liberty.

English/Language Arts

Word Analysis, Fluency and Systematic Vocabulary Development;

Vocabulary and Concept Development

1.3 Understand and explain frequently used synonyms, antonyms, and homographs.

Literary Response and Analysis

3.3 Contrast the actions, motives (e.g., loyalty, selfishness, conscientiousness) and appearances of characters...

Writing Strategies

1.2 Create multiple-paragraph expository compositions...

1.5 Use a thesaurus to identify alternative word choices and meanings.

Writing Applications

2.4 Write persuasive letters or compositions...

Key Words Or Terms:

discrimination

franchise

disenfranchised

individual liberty

equal rights

just/justice

fair/fairness

prejudice

Lesson Overview:

It is often appealing, and appalling, for students to get the feel of what it was like before women had a say in American government. Initially, the purpose of this lesson is to give all students the experience to know what it would be like for any one group to make the laws that all people are to follow. It serves as a “dramatic moment” to understanding the

⁴⁷ The California Judicial Education for Youth Project acknowledges Jean Pollitt, of Canyon View Elementary School, Sandy, Utah for creation of the original lesson available from <http://www.ccle.fourh.umn.edu/lessons.html#CRADLE> .

concepts of equal rights, justice and fairness, and rights intended in the Constitution. Then students learn about experiences of various individuals or groups who have suffered discrimination, or unequal rights/access, the rights for all Americans under the Constitution, and some individual accomplishments.

Lesson Objectives:

1. Investigate terms that are essential to an understanding of Constitutional rights—just/justice, fair/fairness, and equal rights, the franchise (right to vote).
2. Experience “rules” that are biased for one particular group and are unequal; in this case in favor of women.
3. Explain some principles of constitutional democracy regarding equality for all.
4. Research individuals in American history who have “made a difference” regarding equality or for a better life.
5. Apply an understanding of equal rights, justice and fairness regarding women’s issues to other events or issues; such as civil rights and those with disabilities.

Materials Needed:

- access to biography materials—library books, encyclopedias, Cobblestone magazines, the Internet
- dictionary
- thesaurus
- For each student, a copy of Worksheet, “Women in History—Equal or Unequal?”, page 51.

Lesson Procedures:

1. The lesson begins with a total class “grand discussion”. What are equal rights? Using resources such as a dictionary and a thesaurus, the class comes to consensus on a definition. What are the bases for equal rights in our country? **NOTE to teacher:** responses should include the Declaration of Independence and the Constitution and Bill of Rights; and may include other significant documents, speeches and writings.

What are examples of situations where one person or a group of people has been denied the rights that others have? Brainstorming examples are listed on the board or a chart. All responses or ideas are listed and can include women’s rights, civil rights, freedom of speech, freedom of religion, people with disabilities. If not identified in the grand discussion, continue with, “What is the ‘franchise’? “Who in the past has been denied the right to vote? to hold elected office? to play a leadership role in a company or corporation? for equal education? Continue with why? when? how? What would it feel like to be treated unequally?

2. If this procedure has not yet been done, the pursuit of an understanding of definition of terms continues. Students come to consensus regarding definitions for “just or justice”, “fair or fairness”. Organize the class into 4-5 groups where each group comes to a conclusion on a definition with examples for each set of terms, using dictionaries, a thesaurus, and personal experience. **NOTE to teacher:** it is suggested that the groups be of the same gender, as these groups will continue throughout the

lesson. The teacher leads another “grand discussion” where a class consensus on definitions and examples is achieved.

NOTE to the teacher: The following adaptations from *The American Heritage Dictionary* can be added, because they are appropriate to this lesson, if not determined during the class discussion.

Just

- Honorable and fair
- Consistent with what is morally correct

Justice

- The maintenance or administration of what is just
- Just treatment
- The establishment or determination of rights according to the rules of law or equity
- The infliction of punishment
- The quality or characteristic of being just, impartial, or fair
- The principle or ideal of just dealing
- The practice of virtue toward others
- That virtue that gives to each his or her due

Fair

- The disposition in a person or group to achieve a fitting and right balance or claims or considerations that is free from undue favoritism

Fairness

- The quality or state of being fair
- Fair or impartial treatment
- Reasonableness

To further understand the terms, students pursue synonyms and derivations, and use examples in sentences. Synonyms for just and fair include: equitable, impartial, unbiased, dispassionate, objective.

“Fair” is the root for many words and sayings: fair and square, fair catch, fair comment, fair criticism, fair competition, fair employment, fairest, fair hearing, fair-haired, fair trial, fair-minded, fairness, fair play, fair trade agreement, fair value.

3. To introduce the class to “equal rights”, the teacher sets the class rules for the day. “The ruling body of the school or class, for today, will be only the girls. Only the girls have the right to vote on the issues presented.”

NOTE to the teacher: The girls only and boys only groups continue their work and are asked to come up with ideas for class rules. Or, if time is an issue, the teacher can present the following issues/rules for the day and the lesson proceeds.

List the following “rules” on the chalkboard or on chart paper and ask for a vote on

the following issues and tally the votes of the girls; the teacher declares that for today the boys' votes are not considered:

- How many of the girls would like an afternoon recess?
- How many of the girls would like to be able to chew gum and eat candy in school?
- How many of the girls think that the boys should be given more work that would require more time than the girls are required?
- How many of the girls would like to have free time during reading and math while the boys work?
- Would it be good to have each Friday off -- for the girls only?

Each of the groups of girls and the groups of boys discuss the tallied votes from the girls. A panel of boys that represent each of the "boy groups" then give their response to how these laws or rules would affect them and how they felt about them. How does it feel for one group to have complete control over all?

Representatives from the "girl groups" can give a rebuttal. As each group returns to their seats, a further discussion could be held, or "quick writes" prepared as to the feelings of each student regarding control by "one group" and equal rights. Essential to the quick writes are the concepts of equal rights, just/justice, and fair/fairness. The students could share these papers and discuss them in small mixed girl-boy groups, debating the issues from the point of view of the "girl" groups and the "boy" groups. Then the big class question, "Why did the teacher introduce a lesson where the rules favored the girls?"

4. The lesson then focuses on equal rights for women in history. Fifth graders focus on "Making of a New Nation" studies as well as what has been learned during K-5 history-social science through the celebration of holidays and through literature and biographies. Where are specific incidences or events in United States history where women have been treated unequally? equally? Why did this happen when one of the principles/values of democracy is equality? The teacher leads a class brainstorming of women who have made a difference in United States history, in the region, and in the community. The names are listed on the chalkboard. If more names are needed (one per student for further research) or the teacher believes that some important names have been overlooked (such as Abigail Adams, Jane Addams, Susan B. Anthony, Dolores Huerta, Coretta Scott King, Biddy Mason, Rosa Parks, Harriet Tubman, Martha Washington), the list can be augmented. The print and non-print resources for this lesson provide multiple ideas.

This lesson is a good opportunity to investigate the role of women behind the scenes and in the forefront for "making a difference" for equal rights and for special

interests. Distribute to each student **WORKSHEET: Women in History; Equal or Unequal?**, page 51. Each student investigates a different person from the brainstorming or from the teacher augmented list—by student selection, by teacher assignment, or by drawing a name from a bag or box. Research resources include encyclopedias, library materials (non-fiction, fiction, and history-based magazines such as those from Cobblestone Publishing), and the Internet.

Students meet again in groups (either the gender specific groups or the mixed gender groups). The completed worksheets are shared within the group. Do others concur with the findings and interpretations? Changes and additions can be made. The final products are compiled in a class booklet and placed in the class library area for all students to read and learn.

5. Why is agreement on certain fundamental values and principles essential to the preservation and improvement of American constitutional democracy? If not understood through other lessons, the teacher gives a “mini-lecture” that explains to the students, “What values and principles are basic to American constitutional democracy?” The following information can be modified to meet the learning level of the students:

“Agreement on certain fundamental values and principles is essential to the preservation and improvement of American constitutional democracy. They are stated in the Declaration of Independence, the Constitution, the Gettysburg Address, and other significant documents, speeches and writings. They provide common ground on which Americans can work together to decide how best to promote the attainment of individual, community, and national goals.

“The values and principles of American constitutional democracy have shaped the nation’s political institutions and practices. These values and principles are sometimes in conflict, however, and their very meaning and application are often disputed. For example, although most Americans agree that the idea of equality is an important value, they may disagree about what priority it should be given in comparison with other values, such as liberty. They also may disagree on the meaning of equality when it is applied to a specific situation. To participate constructively in public debate concerning fundamental values and principles, citizens need a sufficient understanding of them.

“Disparities have always existed between the realities of daily life and the ideals of American constitutional democracy. The history of the United States, however, has been marked by continuing attempts to narrow the gap between ideals and reality. For these reasons, Americans have joined forces in political movements to abolish slavery, extend the franchise, remove legal support for segregation, and provide equality of opportunity for each individual. Citizens need to be aware of historical and contemporary efforts of Americans who, through individual, social, and political action, have sought to lessen the disparity between ideals and reality. Citizens need to understand that American society is perpetually “unfinished,” and that each

generation has an obligation to help the nation move closer to the realization of its ideals.”

Values considered being fundamental to American public life:

- Individual rights: life, liberty, property, and the pursuit of happiness
- The common or public good
- Self government
- Justice
- Equality
- Diversity
- Openness and free inquiry
- Truth
- Patriotism

National Standards for Civics and Government
Standards for Grades 5-9, pages 58-59
Center for Civic Education

Lesson Evaluation:

The real test of understanding would be the feelings brought out when one group is given the ruling powers of everyone. This could be ethnic groups, religions, as well as gender. The prompting the teacher gives on analysis of this subject can make an invaluable contribution as to the effects of discrimination.

Students select and write a multi-paragraph persuasive essay that interprets one of the following primary sources that pertain to values and principles in American constitutional democracy:

“Injustice anywhere is a threat to justice everywhere.”
Martin Luther King, Jr.

“The Spirit that prevails among Men of all degrees, all ages and sexes is the Spirit of Liberty.”
Abigail Adams (1775)

“Here, in the first paragraph of the Declaration [of Independence], is the assertion of the natural right of all to the ballot; for how can “the consent of the governed” be given, if the right to vote be denied?”
Susan B. Anthony (1873)

“America has always been about rights....While many nations are based on a shared language or ethnic heritage; Americans have made rights the foundation of their national identity.”
J. Jackson Barlow (1987)

“The way to secure liberty is to place it in the people’s hands, that is, to give them the power at all times to defend it in the legislature and in the courts of justice.”
John Adams (1787)

Extension Activities and Lessons:

1. Each student “designs” a national holiday to honor the individual investigated and described on the worksheet. The holiday must be designed with events related to the woman’s accomplishments.

The design for the holiday is shared with the class. The class comes to consensus on 4-5 “designs” of great importance. Then, students write a persuasive letter that promotes the legal adoption of this new holiday nationwide (or statewide if the person made outstanding contributions in the region) to elected officials. The teacher selects sample letters for submission/mailing. If the person to be celebrated is regional, then a local official can be invited to the class and the “case” for the holiday presented in person.

The class comes to consensus on one individual and designs a schoolwide celebration.

2. Students read a piece of literature about the actions and influences of a woman on politics and government. The Resources section offer suggestions. For students at grade five, Abigail Adams is one good example and literature examples are listed in the print Resources section.

Student groups discuss the various ways that Abigail Adams monitored and influenced not only the actions of her husband, John Adams, but also political developments of other decision makers of the times. Though women were “disenfranchised individuals” during the 17th, 18th and 19th centuries, there were opportunities for great influence and Abigail Adams is a role model.

3. The topic of equal rights for women extends to other topics that relate to fundamental values in American public life. Working in small research groups and using resources such as those in the Print and Non-print sections below, students investigate topics such as:
 - The 19th Amendment giving women the right to vote had an effect on jury participation as well. Not until the 1960’s did women fully participate in jury service.
 - Using a resource such as *Rosie the Riveter*, investigate roles that have been restricted to women. Why? How were the restrictions overcome?
 - Visit the *Planet Tolerance* website described in Resources, non-print and select a key event from the Civil Rights Memorial. For example, under the section labeled “A Movement of the People” some famous events are described, such as the sit-in at the white’s only lunch counter by four black college students in 1960.

- Read *Rebellious Spirit* (or another resource about Helen Keller). What is the importance of equal treatment towards those with disabilities?

Each group reports their findings to the class with each group member taking part in the report. A class discussion on the topic follows. What is the meaning and importance of the findings? Why is the result, the value, fundamental to American public life?

4. Conduct a get out the vote campaign at the school or community to encourage all eligible adults to register and vote.

Resources:

Print

Alter, Judy. *Extraordinary Women of the American West*. New York, New York: Grolier, Children's Press, 1999. Seventy short biographies arranged thematically and chronologically. Women of various walks of life and accomplishments are included. The timeframe is from the late 1700s through the present day. *Recommended as a teacher reference and for use by students as appropriate to their reading level. (Written for Grade 6 and up).*

Bober, Natalie. *Abigail Adams: Witness to a Revolution*. New York, New York: Atheneum Publishers, 1995. Biography brings the story of Abigail Adams to life. Based on over 2,000 letters written by Abigail Adams, it brings the events of the times to life, including how she kept her husband John informed of events in Boston while he served in the Continental Congress.

Cobblestone Publishing. Various issues of Cobblestone magazines are devoted to women who have made a difference in achieving equal rights or improving the status of women, minorities or special interests in the United States. For example:

- Jane Addams
- Susan B. Anthony
- Mary McLeod Bethune
- Rachel Carson (*AppleSeeds*)
- Dorothea Dix
- Helen Keller
- Eleanor Roosevelt
- Elizabeth Cady Stanton

Back orders of magazines are available at Cobblestone Publishing Company, 30 Grove Street, Suite C, Peterborough NH, 03458, (800) 821-0115, www.cobblestonepub.com

Colman, Penny. *Rosie the Riveter*. New York, New York: Crown Books for Young Readers, Reprint edition 1998. Full of period photographs, the book chronicles prejudice against roles for women; then the contributions of women on the home-front during World War II.

Curtis, Paul Christopher. *The Watsons Go to Birmingham-1963: A Novel*. New York, New York: Bantam Dell Publishing, Reprint Edition, 1997. This story won both the Newberry Honor and the Coretta Scott King Award and, incorporates the life of a fictional family with the real life events of the violent summer of 1963. It is narrated by Kenny, a 4th grader who has an older brother that causes so much trouble his parents decide to send him to the Deep South to live with his grandmother.

Hansen, Joyce. *Women of Hope: African American Women Who Made a Difference*. New York, New York: Scholastic, 1998. Includes brief biographies of 13 African American women, including the first astronaut and a neurosurgeon. The format provides enough information, including photographs and quotes from the women to encourage students to find out more.

Hearne, Betsy. *Seven Brave Women*. New York, New York: Greenwillow Books, 1997. Highlights the brave exploits of seven of the author's female ancestors; celebrating the determination of "ordinary" women who, through time, have found many ways to express their bravery.

Johnston, Johanna. *Women Themselves*. New York, New York: Dodd, Mead, 1973. Biographical sketches of 14 women who blazed trails in education, politics, medicine, and literature are presented in this document.

Kendall, Martha. *Failure is Impossible: The History of American Women's Rights*. Minneapolis, Minnesota: Lerner Publications Company, 2001. Provides insightful biographies of women who have changed American culture from colonial times to the present.

Lawlor, Laurie. *Helen Keller: Rebellious Spirit*. New York, New York: Holiday House, 2001. The story of Helen Keller, told in a dramatic fashion with details about her life, including her sorrows and happiness. Includes photos and further reading notes.

Martin, Ann M. *Belle Teal*. New York, New York: Scholastic, 2001. This story takes place in the rural south, during the civil rights movement and school integration. Belle, a poor white girl, narrates the story of her school's integration. Students and parents are divided on the issue, providing a means for discussing multiple aspects of a controversial issue. The story addresses social and personal injustice.

Oneal, Zibby. *A Long Way to Go, A Story of Women's Right to Vote (Once Upon America)*. New York, New York: Puffin, Reprint Edition, 1992. This story takes place in the days of women's suffrage. A young girl sees her grandmother and father in conflict over the vote for women.

Pinkney, Andrea Davis. *Let it Shine: Stories of Black Women Freedom Fighters*. Austin, Texas: Steck-Vaughn, 2000. A compilation of short biographies about women who fought for their rights and those of others. Women included are: Sojourner

Truth, Biddy Mason, Harriet Tubman, Ida B. Wells-Barnett, Mary McLeod Bethune, Ella Josephine Baker, Dorothy Irene Heights, Rose Parks, Fannie Lou Hamer, and Shirley Chisholm.

St. George, Judith. *John and Abigail Adams: An American Love Story*. New York, New York: Holiday House, 2001. Largely based on a lifetime of letters written during John and Abigail's long periods of separation, the book provides many insights into Abigail's influence on political developments of the time.

Zeinert, Karen. *Those Remarkable Women of the American Revolution*. Brookfield, Connecticut: Millbrook Press, 1996. Tells how women made their presence felt in print, on the home front, and in battle.

Non-print

Distinguished Women

<http://www.distinguishedwomen.com>

Features biographies of women from the past and the present.

National Women's Hall of Fame

<http://www.greatwomen.org/women.php>

Over 200 women have been inducted into the Women's Hall of Fame, located in Seneca Falls, New York. Seneca Falls is regarded as the birthplace of women's rights in America. The first women's rights convention was held here in 1848. The website includes a list of all of the inductees, and a brief biography.

The National Women's History Museum

<http://www.nmwh.org/>

This site features a cyber-museum guiding students through the history of the women's suffrage movement and contemporary news items.

Tolerance.org, *Planet Tolerance*

<http://www.tolerance.org/pt/index.html>

Tolerance.org is a project of the Southern Poverty Law Center which seeks to promote tolerance and replace hate with communities that value diversity. The *Planet Tolerance* page includes stories with a positive message that will interest students. The Civil Rights Memorial link includes a wheel of dates linked to descriptions of key events in the civil rights movement.

National Standards for Civics and Government

Grades 5-8 Content. What values and principles are basic to American constitutional democracy?

Grades 5-8 Content II.D.1 Fundamental values and principles. Students should be able to explain the meaning and importance of the fundamental values and principles of American constitutional democracy.

Grades 5-8 Content V. D. What dispositions or traits of character are important to the preservation and improvement of American constitutional democracy?

WORKSHEET: Women in History; Equal or Unequal?

Name:

Biographical Sketch:

Issues (public and private):

Personal Accomplishments:

Why was this accomplishment(s) important?

How does the accomplishment affect women today?

How does this affect equal rights?

The State of Happy Forrest v. Goldilocks Mock Trial

Grade Level and Number of Class Periods:

Grade 5; 5 class periods

Alignment to California Standards:

History-Social Science

- 5.7.4 Understand how the Constitution is designed to secure our liberty by both empowering and limiting central government and compare the powers granted to citizens, Congress, the president, and the Supreme Court with those reserved to the states.

English-Language Arts

2.0 Writing Applications

2.3 Write research reports about important ideas, issues, or events by using the following guidelines:

- a. Frame questions that direct the investigation.
- b. Establish a controlling idea or topic.
- c. Develop the topic with simple facts, details, examples, and explanations.

1.0 Listening and Speaking Strategies

Organization and Delivery of Oral Communication

- 1.4 Select a focus, organizational structure, and point of view for an oral presentation.
- 1.5 Clarify and support spoken ideas with evidence and examples.
- 1.6 Engage the audience with appropriate verbal cues, facial expressions, and gestures.

2.0 Speaking Applications

2.2 Deliver informative presentations about an important idea, issue, or event by the following means:

- a. Frame questions to direct the investigation.
- b. Establish a controlling idea or topic.
- c. Develop the topic with simple facts, details, examples, and explanations.

Key Words Or Terms:

bailiff	impartial	sustained
courtroom clerk	jury deliberation	testimony
defense	presumption of innocence	trespass
due process	prosecution	vandalism
guilty	sentencing	verdict

Lesson Overview:

This lesson uses an interactive approach to engage students in learning. Students will be further exploring what they have learned about rules and laws, courts and government

authority through participation in a mini mock trial. In order to make the mock trial manageable for students, it is based on the fairytale of *Goldilocks and the Three Bears*. Some new characters and events are added to the story, to provide more opportunities for participation in the trial as witnesses and to add depth to the mock trial experience. To assist teachers in conducting the mock trial, detailed information on each step is included. Teachers should feel free to adapt to smaller class sizes by eliminating or consolidating some roles. Teachers may also leave out some steps if desired to simplify the trial. A resource person such as a judge or an attorney or law student would be helpful for this lesson, but is not required. The resource person could assist in organizing the activity as well as advising the student judges in how to run the trial.

Lesson Objectives:

1. Become familiar with the role of the trial court in solving disputes.
2. Explore various aspects of due process.
3. Develop an appreciation for the roles of key actors in a court proceeding.
4. Practice reasoning, analytical and advocacy skills.
5. Understand the rule of law as applied to a court case.

Materials Needed:

- one copy, Terms Related To Trials, page 59-60
- one copy, Case Summary Information, page 61
- one copy, Description of Roles, page 62-63
- eight student copies Attorney Guidelines, pages 64-66
- 14 student copies Witness Statements, pages 67-68
- two student copies Judge Guidelines, pages 69-70
- 12 student copies Juror Guidelines, page 71
- two student copies Court Clerk and Bailiff Guidelines, page 72
- one copy, Courtroom Diagram, page 73
- teacher copy and sufficient student copies, Mock Trial Outline, page 74 (teachers may choose to give a copy to each student or to post several around the classroom).

Lesson Procedures:

1. Prior to beginning this lesson, it will be helpful to review some basic concepts that students may have studied in this or other civics curricula. Specifically:
 - Review examples of rules and laws. Do a quick brainstorm with students about laws they are familiar with, such as those designed to protect their safety. Why are these important to our communities? What if we didn't have any laws? What if we didn't have a system of government to enforce the laws?
 - Review the role of the court in dispute resolution. Why do we have courts? What do courts provide in the dispute resolution process?
 - Review terms related to the trial. (see pages 59-60).
 - Initiate a class discussion on controversies, differences of opinion. For example, do students know of any differing points of view on an issue at the school? This process will allow teachers to emphasize the importance of tolerance and civility when people have different opinions. It is important for students to understand

that while the trial is an adversary process, it is governed by rules, including good manners.

2. Review the *Case Summary*, page 61. The purpose is simply to bring everyone up to speed on the trial scenario. No discussions should occur yet as Goldilocks is presumed innocent until the trial is concluded; after the jurors have heard the evidence presented and reached a verdict.
3. Assign students their roles. If desired, this can be a random selection. Write the names of the roles on pieces of paper and let students select from a bowl. If preferred, teachers can assign roles to students. The roles include:
 - Judge (2)
 - Irwin Integrity
 - Julie Justice
 - Prosecution team (4)
 - Opening Statement Attorney – Lead off Louise
 - Direct Examination Attorney (prosecution witnesses) Dan Direct
 - Cross Examination Attorney (defense witnesses) Cathy Cross
 - Closing Statement Attorney – Frank Final
 - Defense team (4)
 - Opening Statement Attorney – Freddy First
 - Direct Examination Attorney (defense witnesses) - Trudy Target
 - Cross Examination Attorney (prosecution witnesses) - X. Man
 - Closing Statement Attorney- Ellie Ending
 - Jurors (12)
 - Witnesses for the defense (3)
 - Goldilocks
 - Ollie Observant
 - Dear Old Dad
 - Witnesses for the prosecution (4)
 - Papa Bear
 - Mama Bear
 - Barbara Badge
 - Additional court personnel
 - Court clerk
 - Bailiff
 - Media (if needed due to large class size)
 - Reporter
 - Sketch Artist
4. Review roles with the students, using the descriptions on pages 62-63.
5. Break up into groups to complete the following trial preparation tasks:
 - a. Attorney teams (prosecution and defense) each write their opening statements.
 - The purpose of the opening statement is to tell the jurors what they can expect to

- see from the evidence presented. A sample format is provided as part of the Attorney Guidelines on pages 64-66.
- b. Attorney teams (prosecution and defense) write out questions they plan to ask witnesses. The direct examination attorneys prepare the questions for the witnesses for their side. The cross examination attorneys prepare the questions for the witnesses for the other side. (See Attorney Guidelines, pages 64-66). In order to help them write their questions, the attorneys also need copies of the witness statements on pages 67-68.
 - c. Witnesses read the witness statement for their character several times. Witnesses need to be familiar with the statement and think about questions they might be asked. Witness statements for the prosecution are on page 67. Witness statements for the defense are on page 68.
 - d. Judges review the guidelines for judges on pages 69-70 to help them preside over the trial.
 - e. Jurors review their guidelines on page 71 to help them understand their role and responsibilities as jurors.
 - f. Court clerk and bailiff review their guidelines on page 72. These students should also assist the teacher with organizing the classroom for the trial, as described in the next procedure.
 - g. If there are students assigned to media roles, they should review available classroom materials and resources such as those referenced in the *First Amendment and the Supreme Court* lesson to become familiar with the role of the press.
6. Assisted by the students assigned to the roles of court clerk and bailiff, arrange the classroom to accommodate a courtroom. The courtroom should be set up similar to the diagram on page 73. Include a table and chairs at the front of the room for the judges. Provide a chair near the judge for the witness. Place twelve chairs along the side of the room for the jurors. Create seating for the prosecution and defense teams directly across from the judge, so they are facing each other. An empty space should be in between the attorneys and the judge, where the attorney will stand when questioning the witness.
 7. Conduct the trial according to the Mock Trial Outline on page 74.

Lesson Evaluation:

After the trial, students reflect on the experience. What was it like? What did they learn about the role they played? What did they learn about due process (fairness in court proceedings)? Do they agree with the trial outcome, why or why not? What was the most important thing you learned from this activity?

Extension Activities/Lessons:

1. Use the mock trial format to explore issues involved in other fairy tale or

real cases. Some print and non-print resources are included for two real cases, including *The Printer's Apprentice* (covers the John Peter Zenger freedom of the press case of 1735) and *The Boston Massacre Trials*. The procedural outline and supporting information used for the *Goldilocks* case can be followed for other cases. The class, however, would also be identifying the background information, such as the facts and witness statements. This information is available from the suggested print and non-print resources. General assistance with the mock trial process is available from two resources *Mini-Mock Trial Program* and *Mock Trial Instruction Manual*, listed in non-print resources.

2. Students undertake a research project to learn more about the roles performed by key players in the courtroom. Divide

students into groups:
judge, public
defender,
prosecution attorney
and court reporter.
Students identify key
aspects of the job,
including
educational
requirements, desired
experience, personal
qualities. Create a
resume to use for
seeking a legal
career as a judge,
public defender,
prosecution attorney
or court reporter.
Resources for this
activity include the
*Public Defender:
Lawyer for the
People* book,
American Bar
Association link and
the US Department
of Labor site.

Resources:

Print

Hewett, Joan. *Public Defender: Lawyer for the People*. Lodestar Books, 1991.

Grade 5-9 The role of public defender is key to our system of criminal justice. Public defenders are appointed in criminal cases when the charges are serious (the potential for jail time exists) and the person cannot afford a lawyer. The ability to have a public defender appointed on your behalf, brings the 6th Amendment right to counsel to life. The job of a public defender is portrayed through photos and descriptions of the day in the life of a public defender in Los Angeles County. The resource illustrates the role of a key player in the criminal justice system.

Krensky, Stephen. *The Printer's Apprentice*. New York, New York: Delacorte Press, 1995. Set in New York City in 1735, Gus Croft a ten year old printer's apprentice for Master Bradford. His master prints the news exactly as Governor Morris wants in the *Gazette*. John Peter Zenger, however, in the *New-York Weekly Journal*, prints the news in ways that are sometimes quite critical of the governor. At first Gus sides with his Master, but as he talks to his friend Zach and his mother, he sees another side to the story. The story leads up to the arrest and trial of John Peter Zenger for seditious

libel. The reading level is very accessible for 5th graders and will assist students in understanding why the colonists favored limited government power, freedom of the press and the right to a jury trial.

Harkim, Joy. *A History of US, From Colonies to Country, 1735-1791, Book Three*. New York, New York: Oxford University Press, 2002. In the Boston Massacre trials, John Adams did what he thought was the right thing to do, but it made him unpopular, at least at the time. This incident provides opportunities for students to explore ethics and ethical issues. The following quote is from Joy Hakim's book, page 65-66:

"There is one hero in the story of the Boston Massacre: John Adams. John didn't want British soldiers in Boston; he wanted freedom for his country. But he was fair and he always did what he thought was right. And even though everyone in America wanted to blame the British soldiers, John Adams believed they should have a fair trial. He knew they needed a good lawyer, and he was one of the best lawyers in the colonies. So he took the case of the redcoats. Adams argued that the soldiers had defended themselves against an angry mob. A Boston jury found six of the soldiers not guilty. Two soldiers were found guilty of manslaughter—not murder; they were branded on their thumbs."

Non-print

American Bar Association, *Careers in the Law*

<http://www.abanet.org/publiced/legalcareers.html>

An easy to read, brief description of some careers in the law. Discusses the education and skills needed. While the majority of the information is about lawyers, it also includes a brief description of a judges job as well as that of a court reporter.

U.S. Department of Labor, *Bureau of Labor Statistics*

<http://www.bls.gov/search/ooh.asp?ct=OOH>

To learn about various careers in law, type "judge", "court reporter" or "lawyer" in the search box. (The lawyer section includes both prosecution and defense attorneys). Detailed information regarding these jobs will appear that can be used to create a resume for the extension activity.

Minnesota Civically Speaking, *Mini-Mock Trial Program*

<http://civicallyspeaking.org/trials.html>

This program condenses the trial experience for students in grades 5-12. Includes a detailed reference guide for conducting all stages of a trial, as well as criminal and civil case scenarios that can be used for the trials. A comprehensive manual detailing all of the steps can be ordered from this site or downloaded free of charge.

New Hampshire Bar Association, *Mock Trial Instruction Manual*

<http://nhbar.org/pdfs/MTManual02.pdf>

The Association sponsors an annual mock trial competition for students in grades 4-12. This link is to a thorough 40 page manual that can be used for designing mock trials.

Social Studies for Kids, *John Peter Zenger and Freedom of the Press*

<http://www.socialstudiesforkids.com/articles/ushistory/johnpeterzenger1.htm>

A very short summary of the facts leading up to the John Peter Zenger case and a summary about the trial. Reading level is student accessible.

Supreme Judicial Court Historical Society, *The Boston Massacre Trials*

<http://www.sjchs-history.org/massacre.html>

This site includes detailed information about the trials of the British soldiers accused in the Boston Massacre of 1770. The information is presented in a straightforward manner and includes a summary of the event, the key players, description and outcome of the trial of Captain Preston and of the soldiers. The site illustrates the conflict experienced by the Patriots between wanting the soldiers punished but also wanting Boston to be viewed as fair. The organization and comprehensive presentation of the information makes this site a valuable resource for creating a mock trial of this event.

University of Missouri, Kansas City Law School, *Famous Trials by Doug Linder*

<http://www.law.umkc.edu/faculty/projects/ftrials/ftrials.htm>

Professor Linder includes detailed information about two cases from the colonial era: John Peter Zenger case (1735) and the Boston Massacre Trials (1770). This information could be used to create a mock trial for either case, however, students would need adult assistance with the reading of many of the primary source documents.

National Standards for Civics and Government

Grades 5-8 Content III (E) 1. The place of law in American society. Students should be able to explain the importance of law in the American Constitutional system.

Grades 5-8 Content III (E) 3. Judicial protection of the rights of individuals. Students should be able to evaluate, take and defend positions on current issues regarding judicial protection of individual rights.

Terms Related to the Goldilocks Trial

People

Bailiff: A court official whose duties are to keep order in the courtroom and assist the jury.

Courtroom Clerk: Court official who keeps court records, maintains official files, assists the public and administers the oath to jurors and witnesses. The courtroom clerk sits near the judge.

Judge: The person with the authority and responsibility to run the courtroom, to hear and decide questions of law in court cases and to insure due process safeguards are met. In this case, there are two judges but a trial would normally have one.

Defendant: In a criminal case such as this one, the person accused of breaking the law.

Defense Lawyer: The lawyer who represents the legal interests of the defendant or the accused person. Attempts to show, through the evidence presented during the trial, that the defendant is not guilty. In this case, there are four lawyers to assist Goldilocks.

Prosecution Lawyer: The lawyer that tries a criminal case on behalf of the government. In this case, there are four lawyers trying the case against Goldilocks.

Witness: One who testifies under oath to what s/he has seen, heard, or otherwise observed. This information is used by the jury to make its decision. In this case, both sides have witnesses.

Jury: A group of people who have been chosen to listen to all the facts presented by both sides in a trial. In a criminal case, the jury decides whether a person is guilty or not guilty. Like most trials, this case has 12 jurors.

Concepts

Beyond a reasonable doubt: The standard in a criminal case requires that the jury be entirely convinced of a defendant's guilt.

Due process: The right of all persons to receive the guarantees and safeguards of the law and the judicial process. It includes such constitutional requirements as the right to remain silent, to a speedy and public trial and to an impartial jury.

Impartial: Able to judge or consider something fairly without being influenced by bias, favoritism or other factors. Both judges and jurors need to be impartial.

Presumption of innocence: A basic protection for a person accused of a crime, which requires the prosecution to prove its case against the defendant beyond a reasonable doubt.

Activities/Events (in chronological order)

Opening statement: The attorneys for both sides introduce themselves to the jury and explain what the trial will be about and what they intend to prove.

Direct examination: Questioning of a witness during a trial by the attorney who called the witness.

Cross examination: Questioning of witnesses for the opposing side during a trial or hearing.

Testimony: Evidence presented orally by witnesses during the trial.

Closing statement: The attorneys for each side summarize the facts of the case from their point of view.

Charge to the Jury: The judge explains the law that applies to the case to the jury.

Jury deliberation: The jurors are escorted to a room away from the courtroom to decide whether they think the defendant (Goldilocks) is guilty or innocent. The jurors elect a foreperson to be their leader. The foreperson makes sure that the jury deliberations are carried out in a fair and orderly manner and that all jurors are given a chance to participate.

Verdict: The decision of the jury as to the defendant's guilt or innocence.

Sentencing: If the jury finds Goldilocks guilty, the judge will determine what the punishment will be.

Case Summary Information

State of Happy Forrest v. Goldilocks

Summary of the Facts

On May 3rd at approximately 7:30 a.m., the Bear Family of Happy Forrest left their home on Pine Tree Drive. The family wanted to go out for a walk to spend some time together and allow their very hot porridge to cool.

Shortly after the Bears left their residence, a young girl named Goldilocks entered their home. As is their normal practice the Bears had left their door unlocked. Goldilocks was later found sleeping in Baby Bear's bed. Additionally, the porridge that the Bears had left cooling was gone when they returned. One of the china bowls that Mrs. Bear had received from her grandmother was smashed on the floor. Baby Bear's rocking chair was also broken.

Goldilocks is accused of illegally entering the Bear home, destroying property and stealing the porridge.

Issues

Did Goldilocks enter the home illegally?

Did Goldilocks break the china bowl? Is Goldilocks responsible for the broken rocking chair? If Goldilocks is guilty of either or both of these actions, should she be found guilty of willful destruction of property?

Is it against the law to sit in chairs or sleep in beds belonging to others when you were not given permission?

Was eating the porridge stealing?

Applicable Laws

Purposely injure, damage or destroy any real or personal property not your own. (Penal Code Section 594). This is called vandalism.

Intentionally going on property which you do not own or have the right to be on. Any unlawful interference with a person, their house, their land or their property. (Penal Code Section 602). This is called trespass.

Steal or take personal property from anyone worth less than \$400. (Penal Code Sections 484, 487, 488, 490). This is called petty theft.

Description of Mock Trial Roles

This sheet describes the basic role for each of the actors in the mock trial. Specific information for each role is included on guideline sheets to be given to students when the roles are assigned.

Judges

This case will have two judges to allow more students the opportunity to participate. Normally there is only one judge at the trial court level handling a specific case. The name of the first judge is Julie Justice. The second judge is Irwin Integrity.

In the mock trial as in real trials, the judge will be in charge of the courtroom. The judge will announce the case and the charges and give the jury their beginning instructions. During the trial, the judge will respond to any objections made by attorneys regarding the trial process. The judge will also give the jurors their instructions before they start their deliberations. If the defendant is found guilty, the judge will sentence Goldilocks.

Prosecution Attorneys

This case has four prosecuting attorneys. These are the attorneys who are arguing that Goldilocks violated state laws and should be punished. In a criminal case, the prosecuting attorney represents the state and the victims of the crime.

The work of the prosecuting attorneys includes presenting an opening statement, questioning their witnesses (direct examination), questioning the defense witnesses (cross examination) and preparing a closing argument. Each of the four prosecution attorneys will be assigned to a role that has the responsibility for one of these jobs.

Defense Attorneys

This case has four defense attorneys. These are the attorneys who are arguing that Goldilocks **did not** violate state laws and should **not** be punished. These attorneys are working on behalf of Goldilocks, the defendant, so they are called defense attorneys.

The work of the defense attorneys includes presenting an opening statement, questioning their witnesses (direct examination), questioning the prosecution witnesses (cross examination) and preparing a closing argument. Each of the four defense attorneys will be assigned to a role that has the responsibility for one of these jobs.

Witnesses

Each side in this case has witnesses. These are the people that the prosecution or defense calls that they believe have information to support their case. A witness testifies under oath to what s/he has seen, heard, or otherwise observed. In this case, there are six witnesses. The prosecution may call: Papa Bear, Mama Bear and Barbara Badge. The defense may call Goldilocks, Ollie Observant and Dear Old Dad.

Jury

Trials may be decided by a judge only or a judge and a jury. In this case, there will be a jury. Jury members are citizens of a community selected by law. Jurors are required to consider only the evidence presented at trial and come to a decision (verdict) based on the facts and the law as explained by the judge.

Additional Court Personnel

Courtroom Clerk: This role involves assisting with the set up of the courtroom for the trial, giving the oaths for the jury and each witness and keeping track of the progress of the trial.

Bailiff: This student will assist with the set-up of the courtroom for the trial, announce the judges at the beginning of the case, assist with needs or problems that come up during the case and take the jurors to the deliberation area.

Media

Depending on class size, these roles should also be assigned:

Reporter: Most trials are open to the public, including the media. The reporter should take notes of things that happen during the trial that would interest readers. This information will be used to create a story about the trial afterwards.

Sketch Artist: It may be distracting to have cameras in the courtroom, so sometimes judges will not allow them in court. The press, however, may have someone there to draw pictures of those involved in the case. In the mock trial, student artists may draw pictures of the participants.

Attorney Guidelines

Opening Statements

Both defense and prosecution attorneys need to write opening statements that they will give to the court at the beginning of the case. The attorney actor introduces himself/herself and summarizes what his/her team is trying to prove. Fill in the blanks below to create a short (2 minute) opening statement.

Prosecution:

The opening statement for the prosecution will focus on the witness testimony that supports a finding by the jury that Goldilocks is guilty.

Fill in the blanks to create your opening statement:

“Your honor and ladies and gentleman of the jury. I am Lead off Louise part of the prosecution team and am appearing here to represent the State of Happy Forrest. The witnesses will testify that (list key points from the witnesses that you think will convince the jury that Goldilocks is guilty)

Example: Mama Bear will describe the china bowl that had been sitting on the table before they left for their walk but broken when they returned..

Therefore, we ask that you find her **guilty** of all charges.

Defense:

The opening statement for the defense will focus on the witness testimony that supports a finding by the jury that Goldilocks is not guilty or *innocent* of the charges.

Fill in the blanks to create your opening statement:

“Your honor and ladies and gentleman of the jury. I am Freddy First, part of the defense team and am appearing here to represent Goldilocks. The witnesses will testify that (list key points from the witnesses that you think will convince the jury that Goldilocks is innocent)

Example: Ollie Observant will describe how the bears always left their door unlocked.

Therefore, we ask that you find her **not guilty** of all charges.

Direct Questions

Both teams will be asking direct questions of the witnesses that they called to the court to testify. Direct questions include things like, who, what, why, when, where, explain and describe. Plan to ask each witness a few questions. Keep the questions simple. Think about the order you want to call your witnesses in, so that the jury can follow the story. Ask questions that insure the story the witness has to tell, is told through the questions you ask.

Prosecution

The prosecution team will be asking direct questions of the witnesses that they called to the court to testify. These are the witnesses who have information that strengthen the case against Goldilocks. These include: Papa Bear, Mama Bear, and Barbara Badge.

Think about the different points that your witnesses can make. For example, Papa Bear can speak directly about the rocking chair, because he made it. Mama Bear knows about the china bowl and has information about Baby Bear's nightmares since the alleged crime. Ask questions like "What do you know about the case?" "What do you remember about that day?" "What happened?"

Defense

The defense team will be asking direct questions of the witnesses that they called to the court to testify. These are the witnesses who have information that strengthen Goldilocks claim of innocence. These include: Goldilocks, Ollie Observant and Dear Old Dad.

Think about the different points that your witnesses can make. For example, Goldilocks can speak directly about how she knew Baby Bear and her hunger that morning. Ollie Observant can talk about the door always being unlocked, what he saw Goldilocks do, what he knows about the rocking chair. Ask questions like "What do you know about the case?" "What do you remember about that day?" "What happened?"

Cross Examination

Attorneys cross examine the witnesses for the other side. The purpose is to make the jurors doubt the testimony given by this witness, so that your story is strengthened. Try to ask questions that would require a yes or no answer. It is also good to start with something like "Isn't it true that..." "Isn't it a fact that..." "Didn't you state that..."

Prosecution example for Goldilocks "Isn't it true that you went into the Bear home without an invitation?"

Defense example for Papa Bear "Isn't it true that you told Ollie Observant not to sit in the rocking chair because it was in bad shape?"

Objections

There are a few rules about the way questions can be asked. These rules are needed to make the trial fair and more like a real trial. The attorneys for the other side will be able to object if you:

- Ask questions that tell your witness exactly how to answer. These are called leading questions, such as “How many chairs did Goldilocks break?” A better question would be “What did you see in your living room when you came back from your walk?” Note: when an attorney is questioning witnesses for the other side, it is Ok to ask a leading question.
- Ask questions that include information the person doesn’t know directly. This is called hearsay, such as asking Barbara Badge “Did Goldilocks tell her Dad where she was going on May 3rd” It would be better to ask the person directly (in this case her Dad) questions such as “Did Goldilocks tell you where she was going on May 3rd?”
- Ask questions that don’t have anything to do with the case. This is called an irrelevant question, such as “What is the dress code at the school?” This question should not be asked at all as it doesn’t help the case and just confuses everyone.

If an attorney for one side asks a question and the other side objects, the judge makes the decision as to if the question is allowed. If the judge thinks the question is OK he or she will say “overruled”. If the question is not allowed, he or she will say “sustained”.

Closing Statements

After all of the evidence has been presented, the attorneys need to make their closing statement. The attorney assigned to this role (Frank Final- prosecution, Ellie Ending – defense) need to pay close attention during the trial and take notes. At the end of the case, they need to summarize the main points that they think prove their side of the case.

The format is similar to the opening statement:

Your honor, members of the jury, you have heard testimony about the case against Goldilocks. I would like to summarize the key points that you should consider while making your decision. (list what you consider the main points in your favor)

Thank you. Please find Goldilocks _____ (guilty or innocent).

Witness Statements

Prosecution

Papa Bear

My name is Papa Bear. I live at 333 Pine Tree Drive in Happy Forrest with my wife and son. I moved to this neighborhood because I thought it was safe. We used to be able to go for a walk in the morning while our porridge was cooling. We worked up an appetite and got home to eat it when the temperature was just right. On Monday, May 3rd, I had worked up a mighty hunger and my mouth was watering thinking about that sweet porridge I was about to eat. But no, when we get home someone had obviously been eating our porridge. Even worse, the rocking chair that I made for Baby Bear with my own hands was broken beyond repair. Then to find the criminal still in the house was too much. We had to call the police who came immediately to help us. Now instead of feeling like my home is as secure as a castle, I feel worried and unsafe. This break-in by that baby faced hoodlum is causing us to think about putting our house up for sale!!!

Mama Bear

My name is Mama Bear, the wife of Papa Bear and mother of Baby Bear. One of my favorite things has been our morning walks in the Forrest. This lets us spend some quality family time together, which is harder and harder to find with Papa working so much and me so busy with my quilting club, part-time job at the Bakery and volunteer work. When we returned, I saw that most favorite china bowl given to me by my dear grandmother, was shattered on the floor. My poor Baby Bear lost his special rocking chair too. He can't sleep at night because he has nightmares thinking about break-ins and strangers sleeping in his bed. For all we know, he could need long term doctor's care to recover from this invasion of his home. That girl, Goldilocks says she knew Baby Bear before the break-in. Humph, I know my Baby has better choices in friends than criminals like that Goldilocks. Maybe they go to the same school (it's the only one!) and maybe they were on the same soccer team, but that doesn't make them friends.

Barbara Badge

My name is Barbara Badge. I have been a police officer with Forrest Fuzz for ten years. I was called to the scene of an alleged trespass and vandalism at 333 Pine Tree Drive. I immediately hopped on my bicycle (we can't have cars in the Forrest) and rode over to the Bear residence. I went inside and found a very upset family, what appeared to be bits of china all over the floor, a small rocking chair that was broken and turned upside down in the living room. As I proceeded further into the house, I also found the defendant, Goldilocks, on Baby Bear's bed. I called for back-up. We collected the evidence including fingerprints, witness statements and took photographs of the crime scene. Ms. Goldilocks was then arrested and transported via a bike with cart to Forrest Fuzz headquarters.

Witness Statements

Defense

Goldilocks

I am an 11 year old girl. I try to be good all the time, but sometimes I do things that people just don't like. Nothing really bad, but you know, grown ups sometimes get mad at me. The day I got in so much trouble at the Bear's house started like any other day. I said goodbye to my parents and started the walk to school. I realized that I forgot to eat breakfast and I figured my stomach would be growling and make it hard for everyone to concentrate at school. Since I have known Baby Bear from school and soccer, I thought I could go by and get something to eat. When no one answered, I figured I would just go in and wait for a few minutes. But then this delicious smelling porridge was sitting right there. It was like it was meant for me to eat. The porridge in the third bowl tasted just right, I couldn't help it, I ate it all up. When I was getting up from the table, I accidentally knocked the bowl with my elbow and it smashed to the ground. I ran out of the room very upset, trying to think what to do and saw these comfortable looking chairs. When I sat in the cute little rocking chair, it broke. All I did was sit in it, maybe it wasn't made very well or it was really old or something. After that, I felt so bad, I just wanted to lie down and cry. When I tried the three beds, the little one was as soft as a big pile of cotton and I feel asleep. The next thing you know, I am being carted off to jail like I am some big criminal.

Ollie Observant

I live near the Bear Family in Happy Forrest. Being an owl, I have keen eyesight and total recall. Some people think I'm nosy, but I know I am just a good neighbor. I was sound asleep on the morning of May 3rd, having been out all night as usual. A noise alerted my keen hearing that something was happening. I couldn't help but notice this blond haired girl, about ten years of age near the entrance of the Bear home. I saw her knock and wait patiently by the door. When no one answered, she went in. She certainly did **not** break the door down or crawl through a window. I thought she was probably a friend who they invited over for breakfast. I didn't worry about it, I closed my eyes and went back to sleep. I have been inside the Bear home a couple of times. One time, I saw a nice little rocking chair I thought I would sit in, but both Mama Bear and Papa Bear said I shouldn't because it was old and in bad shape.

Dear Old Dad

I am the father of Goldilocks, the defendant in this case. Goldilocks is our only child. She has always been a good kid, although she has been in some minor trouble at school. For example, she defends kids who are victims of bullying. The teachers usually think that she is the one who starts the fights, but I know she doesn't. She just tries to defend the little guy. She would never break into someone's home and purposely destroy their belongings. Goldilocks might be a little clumsy, but she doesn't break things on purpose. I am surprised that the Bear family has decided to pursue this so seriously, especially since Baby Bear knows Goldilocks and the Bears are the ones who failed to lock their door. We could probably sue them for having unsafe furniture in their house! I can't believe she is being charged with all these serious crimes, just because she is a little girl who got hungry.

Judge Guidelines

Irwin Integrity and Julie Justice need to decide at the beginning who will do the Introductory Instructions and who will do the Closing Instructions. The judges may decide about the attorney objections and the appropriate sentence for Goldilocks if she is found guilty together.

Introductory Instructions: *(step 2 on the mock trial outline)*

This is what the judge says at the start of the case:

“This is a criminal case charging the defendant, Goldilocks, with trespassing, vandalism and petty theft. In support of its case, the State of Happy Forrest claims that on May 3rd, Goldilocks entered the Bear home without invitation, stole the porridge by eating it, broke a china bowl and a rocking chair (both family heirlooms) and was found sleeping in Baby Bear’s bed.”

“Goldilocks admits that she entered the home uninvited and that she ate the porridge and broke the bowl and chair. She claims she knew Baby Bear, thought she would be welcome, and was really hungry. The broken items were accidents according to Goldilocks. Because this is a criminal case, it is up to the prosecution to prove Goldilocks is guilty, beyond a reasonable doubt.”

“Jurors must listen to all the evidence and keep an open mind throughout the trial”. Jurors may not speak to anyone about the case or read about it in the paper. Attorneys and others are not allowed to speak to the jurors. This keeps the trial fair”

“The case will be in the following order. The attorneys will make their opening statements that outline their cases. The prosecutor will introduce evidence and then the defense team. After all of the evidence is presented, the attorneys will each give their closing statements. I will give you additional instructions and then it will be time to go to the jury room for deliberations.”

During the trial- objections

The attorney for either side may say “objection” when they think there is a problem with a question asked by the other side. When this happens, it is up to the judge to decide if the question is Ok or not. Questions which are not appropriate and attorneys may object to include:

- Leading questions, which tell the witness exactly how to answer. For example, “How many chairs did Goldilocks break?” A better question would be “What did you see in your living room when you came back from your walk?” Note: this only applies to direct examination, when the attorney is questioning his or her own witness.
- Hearsay questions, which include information the person doesn’t know directly. For example asking Barbara Badge “Did Goldilocks tell her Dad where she was going on May 3rd?” It would be better to ask the person directly, in this case her

Dad questions such as “Did Goldilocks tell you where she was going on May 3rd?”

- Irrelevant questions, which have nothing to do with the case such as “What is the dress code at the school?” This question should not be asked at all as it doesn’t help the case and just confuses everyone.

If an attorney objects and you agree, say “Sustained”. If you think the question is Ok, say “Overruled”.

Instructions to the Jury – end of the case *(step 10 of the mock trial outline)*

To convict Goldilocks of the charges against her, the prosecution must have proved beyond a reasonable doubt that the crimes of trespassing, vandalism and petty theft were committed by Goldilocks. The jury should note that they may consider the charges separately.

Count One- Vandalism. Purposely injure, damage or destroy any real or personal property not your own.

Count Two – Trespass. Intentionally going on property which you do not own or have the right to be on. Any unlawful interference with a person, their house, their land or their property.

Count Three – Petty Theft Steal or take personal property from anyone worth less than \$400.

When you leave to deliberate, the first thing you need to do is to select a jury foreperson. This person will make sure that every juror has a chance to participate and that the process is fair and orderly. All jurors must agree to the verdict. When you are finished deliberating the jury foreperson will tell the bailiff who will walk you back into court. I will ask you if you have a verdict, the jury foreperson will say yes and tell me if it is “guilty” or “not guilty” for each charge.

Sentencing (if found guilty) *(step 10 of the mock trial outline)*

If the jurors find Goldilocks guilty, the following sentences are the maximums that would apply. The judges may give less time in jail or a smaller fine (a fine is money that someone found guilty of a crime has to pay), but not more:

Vandalism- less than \$400 damage- 1 year in jail and/or \$1,000 fine. Another option would be to require Goldilocks to do some volunteer work (community service).

Trespass- 6 months in jail and or \$1,000 fine

Petty theft- 6 months in jail and or \$1,000 fine

Juror Guidelines

This mock trial allows the students playing the role of juror to experience some of the process of a real trial.

In step 1 of the mock trial outline, the judge will provide the jury with instructions. Pay close attention as they will help you with your role as juror.

In step 2, the clerk will ask you to stand and raise your right hand. At the end of the statement, you say "I do". Then you can be seated.

The trial will follow in this order:

- The attorneys will make their opening statements that outline their cases.
- The prosecutor will introduce evidence and then the defense team.
- After all of the evidence is presented, the attorneys will each give their closing statements.

Juror Duties During Trial

Listen to all the evidence presented.

Do not make up your mind before all the evidence has been presented.

Listen to any instructions provided by the judge.

Juror Duties – Deliberations

At the end of the trial, the judge will give you some additional instructions about the law that applies to the case against Goldilocks.

The judge will tell you that your group will need to select a jury foreperson as your first job when you leave to deliberate. This person will make sure that every juror has a chance to participate and that the process is fair and orderly.

All jurors must agree to the verdict of either guilty or not guilty. You can find Goldilocks guilty of just one or all three counts or not guilty of all of them. When you are finished deliberating the jury foreperson needs to tell the bailiff who will walk you back into court. When the judge asks the jury foreperson if you have a verdict you need to say yes and tell the judge if it is "guilty" or "not guilty" for each charge.

Court Clerk and Bailiff Guidelines

Court Clerk

One of the important duties of the court clerk is to swear in the jurors prior to the start of the trial:

“Please stand and raise your right hand. After I state the oath, you need to show your agreement by saying “I do”. Do you, and each of you, understand and agree that you will base your decision only on the evidence presented to you and the instructions provided by the Court, without letting any other information influence your decision? Please be seated.”

The above oath means that jurors give their word to reach a [verdict](#) upon only the evidence presented in the trial and the court's instructions about the law.

The clerk also swears in each witness before they testify:

Please raise your right hand. Do you swear to tell the truth, the whole, truth, and nothing but the truth?

Bailiff

The bailiff is responsible for step one in the mock trial outline:

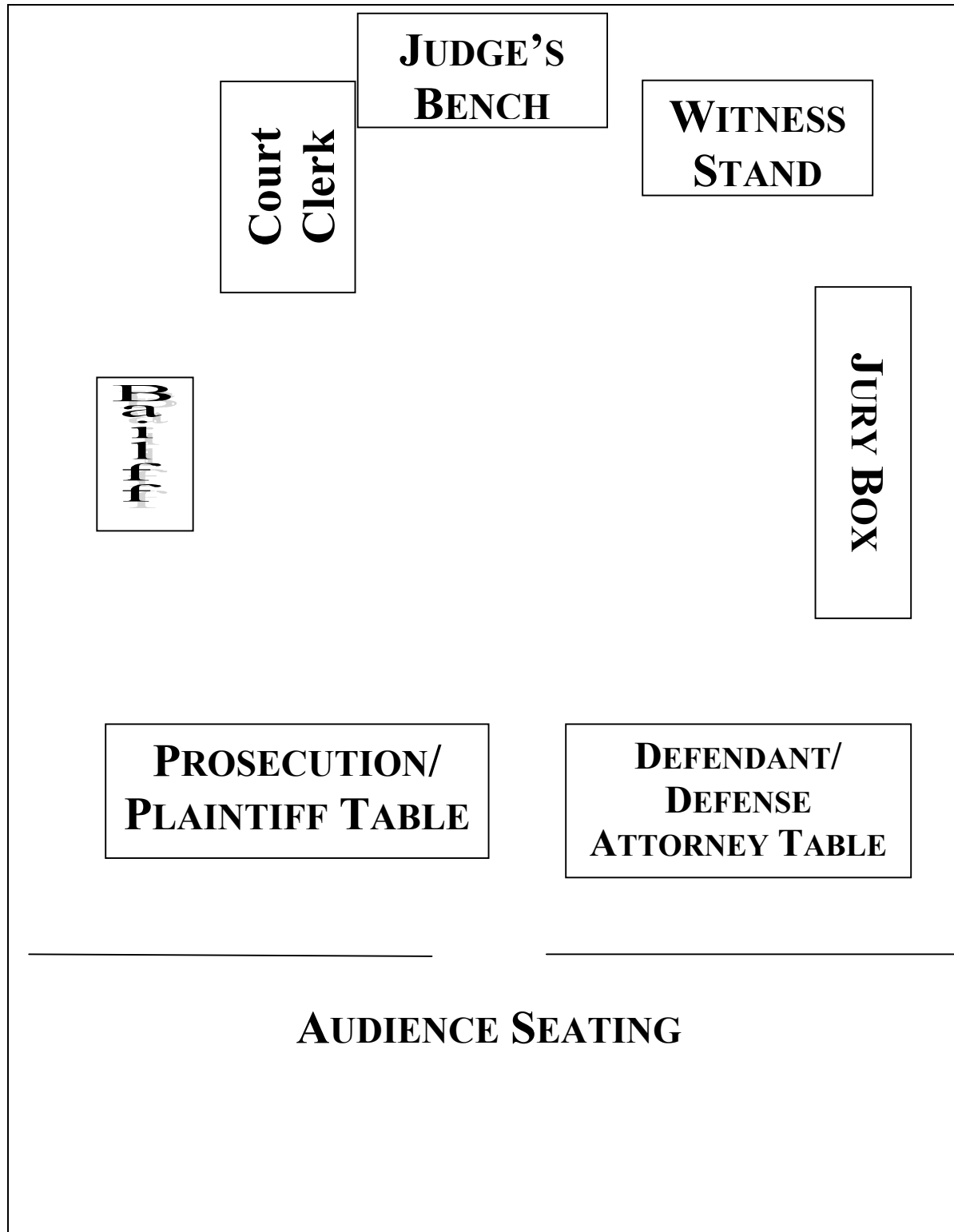
Bailiff calls the courtroom to order and announces the judges by saying the following: “All rise. The Court of _____ Elementary Schools is now in session, the Honorable Judges Irwin Integrity and Julie Justice presiding”. (Everyone may be seated after the judges sit down.)

During the trial, if there are any problems, such as someone needs something or jurors are talking and not listening, the bailiff will help the teacher solve the problem.

After the judge tells the jurors what to do during jury deliberations (step 10 of the outline), the bailiff takes the jurors to the jury deliberation room (or area). *Before the trial begins*, the bailiff will need to talk to the teacher about where the jurors should have their deliberations.

At the end of jury deliberations, the jury foreperson will contact you to say the jurors are ready to go back into court. You need to walk them back in to their seats.

Courtroom Diagram for Goldilocks Trial



Mock Trial Outline

1. Bailiff calls the courtroom to order and announces the Judges. “All rise. The Court of _____ Elementary Schools is now in session, the Honorable Judges Irwin Integrity and Julie Justice presiding”. (Everyone may be seated after the judges sit down.)
2. Judge announces the case State of Happy Forest v. Goldilocks and reads the introductory instructions.
3. Clerk swears in the jury with the following statement:
4. Opening statement by prosecuting attorney. (2 minutes)
5. Opening statement by defense attorney. (2 minutes)
6. Examination (questioning) of the prosecution witnesses including, Papa Bear, Mama Bear, Barbara Badge. Process is as follows:
 - a. Dan Direct (prosecuting attorney team) calls the first witness
 - b. Court clerk swears in the witness
 - c. Dan Direct asks the direct examination questions
 - d. X. Man (defense attorney team) asks cross examination questions
 - e. Repeat a-d for the next witness.
7. Examination (questioning) of the defense witnesses including, Goldilocks, Ollie Observant and Dear Old Dad. Process is as follows:
 - a. Trudy Target (defense attorney team) calls the witness
 - b. Court clerk swears in the witness
 - c. Trudy Target asks the direct examination questions
 - d. Cathy Cross (prosecuting attorney team) asks cross examination questions
 - e. Repeat a-d for the next witness.
8. Closing statement by prosecuting attorney.
9. Closing statement by defense attorney.
10. Judge instructs the jury regarding deliberations.
11. Jury deliberations are conducted away from the rest of the class.
12. Jury comes back to the jury box. Jury foreperson delivers the verdict.
13. If Goldilocks is found guilty, the judge decides her sentence.

Jury Duty

Grade Level and Number of Class Periods:

Grade 5; three class periods

Alignment to California Standards:

1-19 History-Social Science

- 5.7.3 *Understand the fundamental principles of American constitutional democracy, including how the government derives its power from the people and the primacy of individual liberty.*
- 5.7.5 *Discuss the meaning of the American creed that calls on citizens to safeguard the liberty of individual Americans within a unified nation, to respect the rule of law, and to preserve the Constitution*

English-Language Arts

1.0 Writing Strategies

- 1.1 Create multiple-paragraph narrative compositions that a) establish and develop a situation or plot; b) Describe the setting; and c) present an ending.
- 1.2 Use organizational features of printed text (e.g., citations, end notes, bibliographic references) to locate relevant information.
- 1.5 Use a thesaurus to identify alternative word choices and meanings.
- 1.6 Edit and revise manuscripts to improve the meaning and focus of writing by adding, deleting, consolidating, clarifying, and rearranging words and sentences.

2.0 Writing Applications

- 2.3 Write research reports about important ideas, issues, or events....
- 2.4 Write persuasive letters or compositions...

1.0 Listening and Speaking

- 1.1 Ask questions that seek information not already discussed.
- 1.2 Interpret a speaker's verbal and nonverbal messages, purposes, and perspectives.
- 1.5 Clarify and support spoken ideas with evidence and examples.
- 1.6 Engage the audience with appropriate verbal cues, facial expressions, and gestures.

Key Words Or Terms:

6 th Amendment	impartial	postponement
7 th Amendment	juror eligibility	U.S. Constitution
deliberate/deliberations	jury of ones peers	summons
evidence	jury selection	testimony
excuse for undue hardship	jury trial	verdict
foreperson	one-day/one-trial	voir dire

Lesson Overview:

In this lesson, students will learn how juries protect the individual liberties of American citizens and how juries ensure a respect for the rule of law. Students will explore the idea that jury service is essential to meeting the goals of the Constitution to provide fair trials but also that jury duty is a right and responsibility of citizenship. Students will participate in activities to establish the importance of jury service, how the system works, and a creative activity to use their new found knowledge to encourage participation by a larger percentage of citizens in jury service.

Lesson Objectives:

1. Learn about the history of the jury system and its Constitutional guarantees.
2. Learn how the right to serve on juries was denied to certain groups.
3. Describe the function and importance of a trial jury.
4. Understand the concept of trial by jury and the jury's role in the proceedings.
5. Understand and appreciate the role of citizens to serve as jurors and their role in ensuring respect for the rule of law.
6. List the qualifications of a juror

Materials Needed:

- access to the Internet
- a classroom dictionary and a thesaurus
- student copies Worksheet –Great Thinkers Quotes About Jury Duty, page 86
- student copies Worksheet- Reasons to Serve on Jury Duty, page 87
- teacher copy-“California Jury Basics”, page 88

Lesson Procedures:

1. What is the historical framework that led to jury trials being part of our system of justice? The concept of trials by jury has had many different forms throughout the centuries. Interested teachers may review a historical discussion available in the *We the Jury* curriculum prepared by the Texas Young Lawyers Association, listed in the on-line resources section of this lesson. Extensive resources are also available through the Constitutional Rights Foundation of Chicago website entitled *The American Jury Bulwark of Democracy*.

A student accessible summary of key events in the development of the jury system, entitled *History of the Jury System Timeline*, is available at the New York Courts website, listed the non-print resources section. Print options for this information found in the resources section include The American Bar Association publication called *Law and the Courts Volume III: Juries*, and *In Defense of Liberties: The Story of America's Bill of Rights*.

Whether researched on their own or through teacher presentation and class discussion, students should know that methods for determining guilt or innocence or deciding civil matters were not always concerned with fairness or due process (processes to insure legal rights are protected) as they are today, for example:

- 1) Wager of law—required the accused person to take an oath, swearing to a fact. Those of good reputations only had to swear they were innocent to be acquitted.

- 2) Compurgation—the clearing of an accused person by oaths of others who swear to the truthfulness or innocence of the person who was accused. This system was used if someone spoke against the accused. The accused had to bring in 12 compurgators to take an oath on his behalf.
- 3) Trials by Ordeal—In this system, used in the middle ages and in Europe until the 13th century physical tests were often required for those accused of wrong doing. These were often based on the belief that if the accused were innocent, heaven would protect them. Examples of ordeals included walking through fire or dipping a hand into boiling water. Women accused of being witches would be bound and thrown into cold water. Sinking provided she was innocent, but remaining afloat was taken as a sign of guilt.

Give students the feel for the unfairness of the “trial by ordeal” system by doing a demonstration, which is perfectly safe but slightly challenging. For example, have students try to wiggle their ears, hop on one foot backwards, or dip their hand into a mix of cold goop that feels “gross”. Explain to the students that anyone who is unable to do the task would have been considered guilty under the trial by ordeal system.

Many historians credit the Magna Carta for formally guaranteeing the right to trial by jury of one’s peers. By the time the colonists came to America, trial by jury had been firmly established in England. In fact, the King’s decision to do away with trial by jury for Stamp Act and Navigation Act challenges was one of the grievances listed in the Declaration of Independence: “For depriving us in many cases, of the benefits of Trial by Jury”. Students can research the specific statement themselves by reviewing a copy of the Declaration (one on-line source is listed in the non-print resources section).

2. Where is the right to jury trial and the responsibility of citizens to serve as jurors found? Students are organized into small groups of 3 or 4 to research the Constitution and the Bill of Rights and identify where the right to jury trial is listed. *The National Constitution Center* website listed in non-print resources includes an interactive constitution that provides easy searching by key words such as jury trial. It also includes further discussion of each section of the Constitution and Bill of Rights from *Words to Live By* written by Linda Monk. Print resources for this lesson (beyond the classroom textbook) are included in the print resources section.

Student research should reveal that the right to jury trial is listed three times in the Constitution and Bill of Rights:

Article III, Section 2, Clause 3 (ratified September 17, 1787)

"The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trials shall be held in the State where the said crimes shall have been

committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed." ⁴⁸

Amendment VI –(ratified December 15, 1791)

“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the Assistance of Counsel for his defence.”

Amendment VII (ratified December 15, 1791)

“In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of common law.”

Following the group research the teacher leads a “grand discussion” with the class. What were your findings? What key points should be noted about the right to jury trial? Teacher should lead students to understand the following key points during the grand discussion. Students should have uncovered some of them in their research.

- The right to jury trial was one of the few rights listed in the Constitution before the Bill of Rights was added in 1791 because this right was considered so important by the colonists.
- Jury trials involve citizens dispensing justice, not just judges.
- Colonial Americans had experienced how difficult it is for the accused when the government has all the power and attempted to balance that power through the 6th amendment.
- Jury trials were thought to protect citizens against unchecked or arbitrary government power, as they involved ordinary citizens in the process
- Jury trials were so important that they were provided for both civil and criminal trials.

To explore the above ideas further, divide students into five groups; each assigned one of the “points”. The group discusses the idea, recalls events in history that are examples of this point, and then prepare an “in my own words” about their key point. Each group prepares a poster of their conclusions; posters are mounted on a classroom bulletin board for others to learn.

⁴⁸ National Constitution Center, Interactive Constitution, Article III, Section 2, Clause 3
http://www.constitutioncenter.org/constitution/details_explanation.php?link=097&const=03_art_03&keyword=jury+trial

3. What makes jury duty so important? Start this off with a class discussion on responsibility. What is responsibility? Personal responsibility? Civic responsibility? What are different ways students demonstrate responsibility in their daily lives? What responsibilities do citizens have—in the community? In the state? In the nation?

Next, organize students into small groups of 3-4. Students remain in these groups for the rest of this procedure. Students read the Worksheet-Great Thinkers Quotes About Jury Duty. Student groups research the definitions of the words in italics by using classroom or on-line dictionaries and/or a thesaurus. Definitions can be written on the back of the worksheet or on a separate piece of paper. Students use the ideas from the quotes or their own ideas to create a motto that describes the importance of the right to jury trial and jury service, for example “Juries are Justice”. Each student illustrates the motto of their group on a “jury postage stamp” on an 8_ by 11 sheet of blank paper.

Some view jury service as just a “duty” or obligation, such as paying taxes. But many view it as a right. How is jury duty a right? Why should people want to serve? Students review the list in the Worksheet – Reasons to Serve on Jury Duty. Each group ranks the reasons from 1-10, with 1 being the most important. Discuss the rankings as a class. Was there consensus?

4. Despite the importance of jury service, the ability to participate has been denied to certain groups. For example, not until 1968 could women serve as jurors in all 50 states. Interested teachers can link to *A Timeline of Women’s Legal History in the United States*, found in the non-print resources section, to generate a discussion on the denial of jury service rights to women. This site by Professor Cunnea includes key court decisions regarding women and jury service. While the complete document contains detailed information about firsts for women in the law, which are indicative of women’s progress towards equal rights in general, major jury case decisions can be found in 1879 (Strauder), 1946 (Ballard), 1961 (Hoyt), 1975 (Taylor), and 1994 (J.E.B). This document is at a level that students could read.

Why should women have cared if they were included or not? Remind students of the reasons for jury service uncovered in the previous procedure. Encourage students to think about how it would feel to have a group that you belonged to automatically excluded. For example, what if all blond haired blue eyed people could not serve? What if you were accused of a crime but no one who appeared to have anything in common with you were allowed to serve? This is what happened with African Americans until the decision in the *Strauder* case in 1879⁴⁹ and what happened with women until the 1970’s. A short article, that appeared in the Women’s Lawyers’ Journal in 1927, entitled *The Woman Juror*, is a fascinating summary of issues and experiences of women jurors, when it was still very uncommon across the country for women to be allowed to serve. This article, listed in the non-print resources section,

⁴⁹ This decision held that the 14th amendment forbid a state from denying men the right to serve on juries due to race or skin color.

could be used as a teacher read aloud or students could read segments in groups. (Reading note: the first column ends at the gray line that appears on page 2 of a printed copy. Return to page one to start the second column.)

5. What are the basics of jury service? For example, what are the qualifications to serve, how might someone legitimately postpone their jury service, are there automatic exemptions for age? As a first step towards understanding “jury basics” students research the 18 terms listed on the first page of this lesson (page 75). Working individually or in teams, students investigate the meaning of an assigned term, then do a quick report-out to the class. At the end of this procedure, teacher does a question and answer to confirm understanding of the term. Terms will be found in Section VII, but a classroom dictionary or thesaurus may also be used for some words.

Now that students have an understanding of key terminology, they are ready to further explore the basics of jury service. Several options are provided for studying this question, depending on available class time. Options are presented from most to least time consuming.

Option One

Assign each student a California Superior Court to research this topic. Links to each court’s contact information is found on the California Court website listed in the non-print resources section. Students write a letter addressed to the “Jury Commissioner” requesting information about the basics of jury service in their court. The letter should ask for samples of information given to jurors such as handbooks, brochures, summonses etc.

After students receive the information, students should create a newsletter that summarizes the key points about jury service in the superior court they studied. Information about the importance of jury service learned in previous procedures of this lesson could also be incorporated. This procedure will illustrate the similarities in policies among the California courts, as well as some differences in procedures and local concerns. For example, all California Superior Courts follow the same rules for juror qualifications as those are based on state laws. But a difference is that due to varying levels of technology, some courts will have the ability to use the web to postpone jury service, but others will not.

Option Two

A shorter version of this procedure is for all students to research jury basics from the California Courts, A Guide to California Jury Service website, listed in the non-print section of resources. From the menu on the left hand side, select “juror basics” or “FAQ” to learn about jury service. (A sample of the type of information found is included for teacher reference on page 88, California Jury Basics). The website includes a slide show entitled “*Ideals Made Real*” that includes photographs and essential information for those serving as jurors. Students create a one page jury newsletter summarizing the information they think a prospective juror would need to

know. Information learned in previous procedures, such as the importance of jury duty could also be incorporated.

Option Three

Divide students into small working groups. Give each group a copy of the California Jury Basics document on page 88 created for teachers. Students create a one page jury newsletter as described in Option Two above.

6. Now that students have learned so much about jury duty, its time to act out or role play what they know. Select a student for each role: the defendant, the judge, the defense attorney, and the prosecuting attorney. Describe the scenario: the teacher had his/her chalk “stolen” and the student identified as the defendant is accused of the theft. There will be a trial by jury to determine if the defendant is guilty or innocent.

Spend a few minutes reviewing the facts with the prosecuting and defense attorneys so that they can prepare questions before the trial starts. “A brand new package of chalk had been in its tray on the morning of the theft. All students but the defendant had been out of the room for recess. The defendant had been in the classroom unattended for a couple of minutes when the teacher had to run to the office. The defendant, however, when questioned claimed he was innocent, he said he did not take the chalk. In fact, no chalk was found when the teacher looked through his desk and backpack.” This version of the facts allows for different outcomes. Students portraying the attorneys should have about five minutes to prepare questions.

Arrange the classroom so that there are two rows of six chairs, one in front of the other. Put in a container the names of the remaining class members. Have the teacher randomly draw names and have the twelve named students sit in the order called in the “jury box”. The remainder of the class will be observers/newspaper reporters. Once the jury has been selected, have the defense counsel with the defendant sit on one side and prosecutor on the other side facing the jury. Have the judge sit to the side of the jury. The defense attorney and prosecutor make arguments and ask questions of the defendant as to why the jury should find the defendant guilty (or innocent) of stealing the chalk.

After brief closing arguments by counsel, have the jury deliberate in a circle so that no one else can hear their discussion. The jury should come to a conclusion if they believe that the defendant “stole” the chalk. Once they have a decision, a leader of the jury (foreperson) should declare if the defendant is guilty (stole the chalk) or not guilty (didn’t steal the chalk).

Teacher leads a discussion on how the jury reached a decision. Is it harder to reach a decision with 12 people, rather than by yourself? What facts of the case did the jury consider? Why would it be important for a jury to be comprised of 12 people? How does this protect individual rights? What points of the case do the newspaper reporters think are important to “report” to the public?

7. Many courts find that not enough potential jurors are willing to serve. For example, in California only 27% of those who receive a summons each year actually complete their service. (Note: some of those who don't serve are disqualified or excused and some summonses are undeliverable, but many people simply don't show up). Why might a person not want to serve as a juror? Initiate a class discussion to see if students have heard from adults reasons why they don't show up. Then review the list of reasons below that have been identified through various surveys and personal reports why people have not served:
- Number one reason given is economic hardship. Jurors don't get paid very much in most states. Some employers don't pay for employee salaries while on jury duty.
 - Parents don't have child care available.
 - People are busy with their own lives.
 - Believe that their time will be wasted.
 - Poor court facilities, such as not enough parking, assembly room is too hot or too cold, etc.
 - Don't understand the importance, why they should serve.
 - Loss of interest in all areas of civics, including jury duty, voting and improving their community.
 - Think that the justice system does not treat them well.
 - Concerned about their privacy and security.
 - Concerned that they will be involved with a long trial.
 - Don't have anyone to cover for them because they are self employed. Concerned about losing money for themselves and their employees.
 - Have misunderstandings about the process and/or requirements.

How would you encourage jurors to serve? Courts have identified community outreach to educate citizens about the importance of service as one way of increasing participation. Based on what they have learned in the lesson procedures above, students create a poster, song, or poem encouraging eligible citizens to serve on jury duty when summoned. Students can sign up for the activity of their choice or teacher can assign the activity. The student work products are then displayed around the school.

Lesson Evaluation:

Students write a multi-paragraph essay answering the question "Why are trial juries so important in the American legal system?" The English-Language Arts Standards for writing strategies and writing applications are followed. Students should also edit and revise their essay to improve the meaning and focus of the writing.

Extension Activities and Lessons:

1. Make arrangements to visit a local court and if permissible for students to sit in the jury box. Have students draft a list of questions about juries for a judge or court staff member. Students write a “thank-you” note to the court and explain what they have learned about juries and the importance of juries to citizens in our community.
2. Students interview several adults known to them as a homework assignment. Ask if they have ever received a summons for jury duty. What was their reaction when they received the notice? Did they serve? If they did not, why not? If they did serve, what was their experience?
3. Students read one of the literature selections in the non-print section below. The first story is about an imaginary situation where a young girl participates in jury service. Students reading the *Trial by Journal* story should respond to the question: How does Lily’s experience differ from what you have learned about jury duty in California? Did her story make you want to serve on jury duty; why or why not? Students reading *The Printer’s Apprentice* should respond to the question: How did this real case (John Peter Zenger) contribute to the importance of the jury system in America? Do you agree with what the jurors decided, why or why not?
4. Students role play a fairy tale as a jury trial. Good choices involve those with a controversy such as *Little Red Riding Hood* or *Jack and the Beanstalk*. Assign a part to each student, with 12 designated as jurors. The jurors listen to the evidence presented by the attorneys through witnesses and documents if desired. Jurors then decide if the defendant was innocent or guilty. (*Note to teacher: a detailed mock trial involving Goldilocks and the Three Bears is found on page 52*).

Resources:

Print

American Bar Association. *Law & the Courts, Volume III: Juries*. Chicago, Illinois: American Bar Association. This booklet is part of the American Bar Association (ABA) series written to help the public understand the courts and their work. Provides excellent background on the history, function and future of jury trials. Booklets are available from the ABA for \$2.50 each by calling 1-800-285-2221.

Freedman, Russell. *In Defense of Liberty: The Story of America’s Bill of Rights*. New York, New York: Holiday House, 2003. An examination of the Bill of Rights through a question format that will engage students. Chapter 9, *The Right to a Fair Trial* is particularly relevant to this lesson. Pages 115-120 focus on juries.

Klise, Kate. *Trial by Journal*. HarperTrophy; Reprint edition, 2002. Story focuses on sixth grader Lily Watson’s experience as the first junior juror in the state. She records her experience as a sequestered juror for a research paper assignment, in order to avoid attending summer school.

Krensky, Stephen. *The Printer's Apprentice*. New York, New York: Delacorte Press, 1995. Set in New York City in 1735, Gus Croft a ten year old printer's apprentice deals with conflicts between the press and the government. The story focuses on the trial of John Peter Zenger, a former apprentice to Gus's employer, who is arrested for printing criticisms that the governor finds offensive.

Non-print

A Timeline of Women's Legal History in the United States

<http://members.aol.com/aacdrcnnea/lawtime.htm#20th>

This site by Professor Cunnea is a comprehensive review of events in women's legal history from 1619 through today. While the site includes many other topics, significant jury service related decisions can be found in 1879 (Strauder), 1946 (Ballard), 1961 (Hoyt), 1975 (Taylor), and 1994 (J.E.B).

California Courts, The Judicial Branch of California, *Jury*

<http://www.courtinfo.ca.gov/jury/index.htm>

Information regarding jury service in California, including the basics of jury service, frequently asked questions, and steps in a trial. A slide show entitled "Ideals Made Real" is found under the trial link that walks users through the steps in the process including photographs of each step. Superior court contact information (needed if following option one of procedure #5) is available from the Court page link:

<http://www.courtinfo.ca.gov/courts/trial/courtlist.htm>

National Constitution Center, *Interactive Constitution*

<http://www.constitutioncenter.org/constitution/>

The Center is dedicated to increase public understanding of the Constitution, its history, and relevance to today's society. The interactive version allows users to explore the constitution by entering key words such as jury trial and linking to explanations, searching by 300 different topics, and selecting a landmark supreme court case to review.

New York Unified Court System, Community Outreach, *History of the Courts*

http://www.nycourts.gov/Community_Outreach/history/history.html

This timeline includes significant events in the evolution of the jury system, including concepts from other countries that influenced the jury system and events in colonial and modern times. The topics are applicable to California students as only the last event in 1996 focuses on New York. In addition, the writing is accessible for 5th grade students.

Texas Young Lawyer's Association, *We the Jury, Curriculum Guide*

http://www.tyla.org/people_curriculum.asp

This guide written for high school students includes teacher background information regarding the history of the jury system. Interested teachers should review pages 8-10 for a summary of the evolution of the jury system and its constitutional significance.

Constitutional Rights Foundation, Chicago, *The American Jury: Bulwark of Democracy*

<http://www.crfc.org/americanjury/index.html>

The American Jury: Bulwark of Democracy is an on-line resource guide for teachers, students, and citizens devoted to explaining the American jury system and its role in American legal, social, and political life. It features lessons, information, and resources developed by the Constitutional Rights Foundation Chicago with assistance from teachers and national experts on the jury system.

Women Lawyer's Journal, *The Woman Juror* (Vol. XV, No. 2 (April 1927)

<http://www.law.stanford.edu/library/wlhbp/articles/juror.htm>

This 1927 article written by Burnita Shelton Matthews that summarizes issues and experiences of early women jurors. Some sections could be used as a teacher read aloud or students could read in groups. (Reading note: the first column ends at the gray line that appears on page 2 of a printed copy. Return to page one to start the second column.)

National Standards for Civics and Government

Grades 5-8 Content II (A) The American idea of constitutional government. Students should be able to explain the essential ideas of American constitutional government.

Grades 5-8 Content II (D) Fundamental values and principles. Students should be able to explain the meaning and importance of the fundamental principles of American constitutional democracy.

Worksheet-Great Thinkers Quotes About Jury Duty

- 1) Alexander Hamilton, *Federalist*, No. 83 (1787-1788).

"The friends and *adversaries* of the plan of the convention, if they agree in nothing else, concur at least in the value they set upon the trial by jury; or if there is any difference between them it consists in this: the former regard it as a valuable safeguard to liberty; the latter represent it as the very *palladium* of free government."

The Avalon Project at Yale Law School, *The Federalist Papers* No. 83

<http://www.yale.edu/lawweb/avalon/federal/fed83.htm>

- 2) Sir William Blackstone, *Commentaries on the Common Law* (1765)

"But in settling and adjusting a question of fact, when entrusted to any single *magistrate*, *partiality* and injustice have an ample field to range in. ... Here, therefore, a competent number of sensible and upright jurymen, chosen by lot from among those of the middle rank, will be the best investigators of truth, and the surest *guardians* of public justice."

International Academy of Trial Lawyers, Dean's Addresses

http://www.iatl.net/deans/81_jurytrial_1.asp

Jury Trial and the Independent Bar, Leonard Decof (1981)

- 3) Alexis de Tocqueville, *Democracy in America* (Volume I, 1835 and Volume II, 1840)

"The *institution* of the jury places the real direction of society in the hands of the *governed*...and not that of the government."

In Defense of Liberty, page 116

- 4) Alexis de Tocqueville, *Democracy in America* (Volume I, 1835 and Volume II, 1840)

"The jury...*imbues* all classes with a respect for the thing judged, and with the notion of right. It teaches men to practice *equity*, every man learns to judge his neighbor as he would himself be judged. (*Democracy in America* 285-287 (Bradley ed. 1945).)

International Academy of Trial Lawyers, Dean's Addresses

http://www.iatl.net/deans/81_jurytrial_1.asp

Jury Trial and the Independent Bar, Leonard Decof (1981)

- 5) Thomas Jefferson to Thomas Paine in 1789

"I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the *principles* of its Constitution."

Thomas Jefferson Digital Archive, Thomas Jefferson on Politics and Government, Judicial Rights

<http://etext.virginia.edu/jefferson/quotations/jeff1520.htm>

Worksheet- Reasons to Serve on Jury Duty⁵⁰

Reason	Ranking
Jury service is one of the main ways people participate in public life.	
Jurors in criminal cases are often involved in deciding life and death issues.	
Jurors in civil cases may make decisions about million dollar cases.	
Helps solve community conflicts in ways accepted by the local community.	
Protects the rights of those involved in court cases.	
Puts a human face on the law.	
Makes the system of justice more open and fair.	
Educate the public about the law and the legal process.	
It's the law. (California Code of Civil Procedure Section 191).	
Helps people understand their duties as citizens.	
Provides a check on the official power of the government	

⁵⁰ Most ideas adapted from American Bar Association, *Law and the Courts, Vol III, Juries, page 4.*

California Jury Basics⁵¹

Sample Information for Teacher Reference

Juror Qualifications/Eligibility

All U.S. citizens who are over the age of 18, a resident of the county that issued the jury summons, and able to understand the English language are eligible to serve on a jury in the state of California. Of these people, only convicted felons, meaning anyone who has been found guilty of a serious crime, cannot serve.

Voir Dire

Translated from French, the legal phrase means "to speak the truth" or "to see them say." Voir dire is the preliminary examination of likely jurors by a judge or lawyer to decide whether that person can serve on a particular jury

Steps of a Trial

Selection of the jury-the jury is chosen from the large group (panel) of jurors that are assigned to the case. Jurors first swear to tell the truth and then are questioned to make sure that they will be fair and impartial while deciding the case.

The trial process-attorneys present evidence, the judge presides over the trial and jurors listen to everything presented.

Jury deliberations-jurors select a foreperson to guide the discussions. Jurors discuss the case in provide to work through the issues and reach a decision, called a verdict.

Jurors Duties During the trial

Do not discuss the case with anyone.

Do not make up your mind before hearing all evidence.

Do not conduct your own investigation.

Postponements

If you are unable to serve during the time requested on your summons, contact your local jury office and ask for a postponement until a reasonable time in the future.

Summons

The summons contains important information regarding the date and time you need to report for jury duty. Bring your summons with you when you appear for service.

Jobs and School

Your employer must allow you time off to serve on a jury. This is the law.. Laws protect teachers, other school employees, and students as well.

Fees

California allows payment of \$15 a day plus mileage of 15 cents per mile one way for jury service.

One Day-One Trial

You are summoned and appear at the courthouse at the designated time. If you are not selected for a jury that day, you are excused and you have satisfied your obligation for at least a year. Or, if you are selected for a jury, service in that trial satisfies your obligation for at least a year.

⁵¹ Summarized from the California Courts, Jury website, <http://www.courtinfo.ca.gov/jury/index.htm>

California Judicial Branch Education for Youth Project

Section VI - Visiting the Courthouse

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Introduction⁵²

Courthouses provide a variety of educational activities that can enrich student understanding of civics, the judicial branch, the rule of law and legal professions. Visits can be tailored to increase student understanding of appropriate History-Social Science Content Standards for California Public Schools. Activities for each grade level are suggested that insure that students are studying concepts related to the standards and that visit activities are not duplicated between grades. This section, however, also includes an introductory lesson about the courts (*What is a Court*, page 3) that can be used for any grade in situations where a sufficient number of students in the class have little or no knowledge of the courts prior to a visit. It is **not** essential to complete the *What is a Court* lesson before scheduling a visit.

Courthouse activities by grade level are found on the following pages:

- 3rd grade- Take a courthouse tour, page 16
- 4th grade – Interview a judge or legal professional, page 19
- 5th grade - Observe a trial or hearing, page 25

1-20 Student Preparation Activities-All Grades

Students will receive the most out of their courthouse visit if it is related to something being studied in class. Examples from the History- Social Science Content Standards for California Public Schools are provided below:

- 3.4 Students understand the role of rules and laws in our daily lives and the basic structure of the U.S. government.
- 4.5 Students understand the structures, functions and powers of the local, state, and federal governments as described in the U.S. Constitution.
- 5.7 Students describe the people and events associated with the development of the U.S. Constitution and analyze the Constitution's significance as the foundation of the American republic.

It would also be beneficial to students to learn some basics about the California court system before their visit. This resource guide includes materials to assist with this, such as the Court System Overview (Section II) and the Glossary of Terms included in Additional Resources (Section VII). The optional lesson entitled *What is a Court* on page 3 could also be used prior to a courthouse visit.

⁵² [The California Judicial Education for Youth Project acknowledges the Utah Law Related Education Project and the Administrative Office of the Courts for its *Your Day in Court* manual, some of which was adapted for this section with permission.](#)

What is a Court?⁵³

Grade Level and Number of Class Periods:

Grade 3-5, 1-2 class periods

Key Words or Terms:

appeal	judge	state courts
dispute	jury	trial
evidence	lawyer	U.S. Constitution
federal courts	legislation	witness
guilty	sentence	

Lesson Overview:

The purposes of trial and appeals courts are explored through teacher presentation, class discussion and small group investigation. This lesson follows lessons on the three branches of government and helps explain the judicial branch. The lesson starts with a simple example of problem solving and expands to address characteristics specific to courts. The assistance of a resource person, particularly a judge or attorney, would be ideal for this lesson. The resource person could assist with presenting the court overview and answering student questions about the role of courts, court procedures, the differences between trial and appeals courts.

Lesson Objectives:

1. Describe the judicial branch of government.
2. Define “What is a Court”.
3. Understand fundamental purposes of the judicial branch, including the role of the court as a “referee” between government power and individual rights.
4. Learn fundamental principles of fairness when deciding disputes.
5. Distinguish between the role of the trial court and that of the appeals court.

Materials Needed:

- one copy Courts and Justice, pages 8-9
- one copy California and Federal Courts, page 10
- student copies of Worksheet, Resolving Disputes, page 11
- one copy, Court Characteristics, page 12
- student copies of Worksheet, Trial Court or Appeals Court?, page 13

⁵³ The California Judicial Education for Youth Project acknowledges the staff at the Washington State Office of the Administrator for the Courts (OAC) as the original developers of this lesson. This lesson adapted with permission.

Lesson Procedures:

1. Introduce the concept of “court” by using the graphics on pages 8-9. Ask students what other things they know or have heard about courts and laws. Brainstorm and list on the board all the words suggested by students.
2. Provide students with background information on the judicial branch. This information is provided in Section II but broadly summarized here for teacher convenience. Another option is to use the print and non-print resources starting on page 6, including *We the People* book and the internet site *Ben’s Guide to US Government*. The federal and state court comparison chart on page 10 may also be helpful. Key points to cover from these resources include:
 - Courts have different jobs from the legislature and executive branch.
 - Courts interpret and apply the law to resolve disputes between parties.
 - Courts serve as a referee between the government and the people by figuring out the limits of government power and the extent of an individual’s rights and responsibilities.
 - Laws that courts interpret when making decisions about cases come from many sources:
 - U.S. Constitution
 - California’s Constitution
 - laws passed by the Legislature
 - previous court decisions
 - California like all states, has both state and federal courts. Both court systems have their own trial and appeals courts.
 - The highest court in the nation is the United States Supreme Court. The highest Court in California is the California Supreme Court.
3. Students work in groups and identify “disputes”. Start them off with a simple example, such as a disagreement between two brothers over who owns a soccer ball. Who should decide? The brothers, an older sister? What happens if one brother disagrees with decision? What can he do? Using the Worksheet on page 11 students should review the dispute given in Column One and answer the questions in Column Two: Who should make the decision? How do you insure that the process to make the decision will be fair? What should happen if one person disagrees with the decision?
4. Student groups volunteer some examples of their dispute resolution processes. Explain that this is similar to what courts do. Courts resolve disputes about the law. Trial courts are places where people bring conflicts or problems for a solution. In a

trial court, a judge and jury⁵⁴ (if present) listens to witnesses and evidence and then makes a decision. If a person is unhappy with that decision, he or she can ask a court with higher authority, called an appeals court to review the decision. The person is asking the appeals court to resolve the problem in a different way than the trial court did. This is called an appeal.

5. Discuss the characteristics of trial court and appeals court with students, using page 12 as a guide. Review the court words the students listed in their earlier brainstorm and determine where they fit (trial or appeals court). The answer key for the teacher is on page 15.
6. Students work in pairs or individually to complete the Worksheet on page 13. Students determine which court each statement applies to and write the statement in the appropriate column on the form. Students explain their answer below the statement.

Lesson Evaluation:

Based on what they learned in the lesson, supplemented with information from the Resources section below, students respond to the following “Three things I learned about the judicial branch are..”

Extension Activities and Lessons:

5. Students visit the *What’s Happening in Court* website listed in the Resources, non-print section. Students review the key Court jobs and answer the questions on the Court Job Worksheet, page 14. Answer key for the teacher is found on page 15.
6. For homework, students review their local newspaper and find a story about a court case. With parent assistance, students answer the following questions. What was the case about? Was the case a trial or an appeal? What did you learn about the court by reading this article?
7. Teacher reads the story of Marshall, the Courthouse Mouse: A Tail of the U.S. Supreme Court aloud to the class. Students draw a picture depicting what they learned from the story about the U.S. Supreme Court.
8. Read either the *Thurgood Marshall, Young Justice* or *In the Year of the Boar and Jackie Robinson* literature recommendations with the class and discuss values of justice, fairness, and equality that are exemplified by the stories.

⁵⁴ The United States Constitution guarantees each U.S citizen the right to a trial by jury in both criminal and civil matters, however, this right may be waived by the parties to the case.

Resources:

Print

Barnes, Peter W. and Cheryl Shaw Barnes. *Marshall, the Courthouse Mouse: A Tail of the U.S. Supreme Court*. Alexandria, Virginia: Vacation Spot Publishing, 1998. Chief Justice Marshall J. Mouse and his fellow justices illustrate the appeals process, from challenging a law through the decision-making process conducted by the justices. Although focused on the federal level, the book provides a good introduction to the judicial branch in a format that will interest children.

Center for Civic Education. *We the People*. Calabasas, California: Center for Civic Education, 1998. Basic information about the U.S. government is provided, with separate chapters on the legislative, executive and judicial branches explained in simple terms.

Dunham, Montrew. *Thurgood Marshall, Young Justice*. Simon and Schuster Children's Books: New York, New York, 1998. Account of the first African American United States Supreme Court Justice's early life. The story of this remarkable man is written in an accessible and interesting format for young readers.

Lord, Betto Bao. *In the Year of the Boar and Jackie Robinson*. New York, New York: Harper Collins Juvenile Books, 1984. The main character develops a love of baseball which is used to teach American values such as teamwork, equal opportunity, ability to change things for the better.

Non-print

American Bar Association Division for Public Education, *Courts and Legal Procedure*

http://www.abanet.org/publiced/courts/court_role.html

A good overview of how courts work is provided including the role and structure of courts, courts and legal procedures, steps in a trial, being a judge and mediation. Although the reading level may not be appropriate for all students, this site is a useful reference to increase understanding of the workings of the judicial branch.

Ben's Guide to U.S. Government for Kids, *Grades 3-5*

<http://bensguide.gpo.gov/3-5/index.html>

Basic information to help students understand the structure and role of the U.S. government. Includes discussion of the differences between the state and federal governments, as well as some discussion of government services provided by the local community (educational services, libraries, fire protection). Written in a kid friendly style.

California Courts, The Judicial Branch of California, *Programs, Center for Families Children & the Courts*

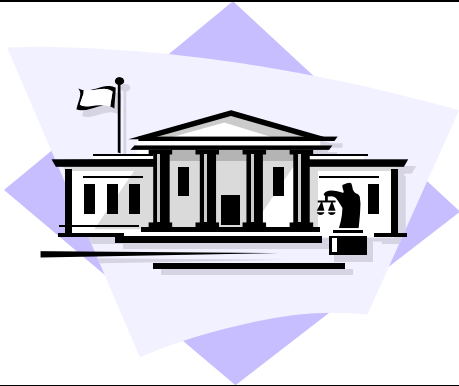
<http://www.courtinfo.ca.gov/programs/children.htm>

“What’s Happening in Court?” is designed to reduce anxiety for children going to court, however it includes basic information and activities of educational benefit for all children. Descriptions of court hearing types involving children are included, key personnel are described and court vocabulary is explained. Various games and puzzles help reinforce what is learned. The activities may be done on line in an interactive format, or the book may be printed. Both the interactive and print versions are available in English and Spanish.

National Standards for Civics and Government

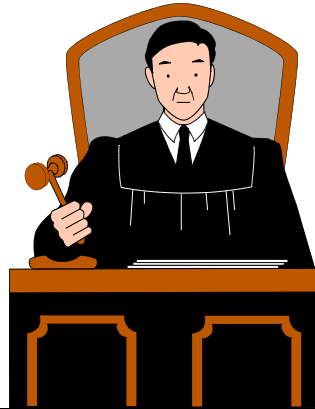
Grades 1-4 Content III (C) Major responsibilities of state government. Students should be able to explain the most important responsibilities of their state government.

Courts and Justice



Courthouses provide a neutral place where people solve disputes.

Judges run the courtroom and make decisions about the law.



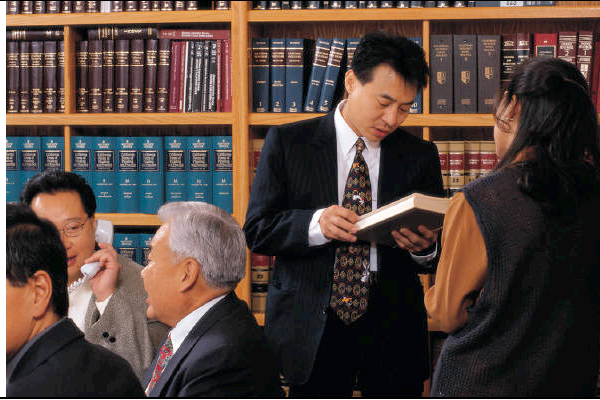
The gavel is used to call everyone to order in the courtroom.

Witnesses promise to tell the truth by taking an oath before they testify.



Courts and Justice

Jurors listen to the evidence in court.



Attorneys study the law to help people with legal problems.

The symbol shows the idea that “justice is blind”, meaning that justice is based on the facts and the law, not on who people are or what they look like.



Judges keep up with changes in the law.

Page for CA courts and Fed courts chart

Worksheet- Resolving Disputes

Dispute Description-Column One	Dispute Resolution Process-Column Two
You are accused of being tardy to class four times. School rules say that being tardy four times means you will have to serve a 30 minute detention. Your parents file a complaint saying it wasn't your fault that the bus was late and that the rule is wrong.	<p>Who should make the decision about this dispute over the school rule?</p> <p>How will you make sure that the process to make a decision is fair?</p> <p>What should happen if your parents disagree with the decision?</p>
You wear a new sweater to school but it isn't where you left it at the end of the day. The next day you see another student wearing it. You get into a loud argument, both saying that the other person is wrong.	<p>Who should make the decision about this dispute?</p> <p>How will you make sure that the process to make a decision is fair?</p> <p>What should happen if one of you disagrees with the decision?</p>
You and a friend see some older kids playing on park equipment meant for younger kids. You tell them to leave but they say they are going to stay.	<p>Who should make the decision about this dispute?</p> <p>How will you make sure that the process to make a decision is fair?</p> <p>What should happen if one of you disagrees with the decision?</p>

Court Characteristics



Trial Court (*Superior Court of California*)

- One judge conducts the trial.
- Jury or a single judge decides the case.
- Lawyers present evidence.
- Witnesses swear to tell the truth and answer questions from lawyers.
- First court to decide who should win in a dispute.
- First court to decide whether or not the defendant is guilty.

Appeals Court (*California Courts of Appeal*)

- A losing party from the trial court may file an appeal to an appeals court.
- In a civil case, either party make appeal to a higher court.
- In a criminal case, only the defendant may appeal to a higher court.
- The panel of three justices hears a case that has been decided in a lower court.
- The justices do not hear testimony but base their decision based on the record (case information) from the trial, reason for the appeal and oral arguments by the attorneys.
- The panel of three justices gives its decision in a written opinion.
- The decision of the appeals court must be followed by all trial courts that are under them.

Worksheet-Trial or Appeals Court?

Name(s) _____

Think about the statements below. Does the statement apply to the trial or appeals court? Write out the statement in the correct column and explain your answer.

- | | |
|--|---|
| <p>a) Lily testifies that the bank robber wore a mask.</p> <p>b) A group of judges listens to the lawyers argue.</p> <p>c) The jury decides that it was the stores fault that Khahn got hurt.</p> <p>d) Terry asks the court to set aside his death sentence.</p> <p>e) Ms. Nguyen, the attorney, argues to the judges that her client should win the case</p> | <p>f) Issues a written opinion that the school violated JoJo's rights.</p> <p>g) The court clerk swears in the witness.</p> <p>h) The gun used in the robbery is admitted as evidence.</p> <p>i) Writes its decision that the trial judge made a mistake in the case.</p> |
|--|---|

Trial Court	Appeals Court

Worksheet- Court Jobs-Who Am I?

<i>I am the person who makes sure everyone plays by the rules. Who am I?</i>	<i>I wear a uniform and am like a special police officer for the court. Who am I?</i>
<i>I use a machine to record all of the testimony during court hearings. Who am I?</i>	<i>I keep track of all of the information about court cases and I swear in the witnesses before they testify. Who am I?</i>
<i>I listen to testimony. I decide with the rest of the jury how the disagreement should be settled. Who am I?</i>	<i>I represent the person in court. Who am I?</i>
<i>I help people who don't speak English. Who am I?</i>	<i>I testify under oath as to what I have seen or heard. Who am I?</i>

Handout #1- Answers:

- a. *Lily testifies that the bank robber wore a mask.* Trial court because only trial courts have witnesses who testify.
- b. *A group of judges listens to the lawyers argue.* Appeals court because trial courts have a single judge and appellate courts have a panel of judges.
- c. *The jury decides that it was the stores fault that Khahn got hurt.* Trial court because juries only operate in trial courts.
- d. *Terry asks the court to set aside his death sentence.* Appeals court because Terry is asking to have the sentence imposed at the lower court set aside.
- e. *Ms. Nguyen, the attorney, argues to the judges that her client should win the case.* Appeals court because there is more than one judge deciding the case.
- f. *Issues a written opinion that the school violated JoJo's rights.* Appeals court because only appellate judges issue written opinions.
- g. *The court clerk swears in the witness.* Trial court because only trial courts have witnesses.
- h. *The gun used in the robbery is admitted as evidence.* Trial court because only trial courts have evidence admitted.
- i. *Writes its decision that the trial judge made a mistake in the case.* Appeals court because only appellate courts decide if a trial judge made a mistake.

Answers for the Teacher for the "Court Jobs-Who Am I?" Game

I am the person who makes sure everyone follows the rules. Who am I? (Judge)

I wear a uniform and am like a special police officer for the court. Who am I? (Bailiff)

I use a machine to record all of the testimony during court hearings. Who am I? (Court Reporter)

I keep track of all the information about court cases and I swear in the witnesses before they testify. Who am I? (Court Clerk)

I listen to testimony. I decide with the rest of the jury how the disagreement should be settled. Who am I? (Juror)

I represent the person in court. Who am I? (Attorney)

I help people who don't speak English. Who am I? (Interpreter)

I testify under oath as to what I have seen or heard. Who am I? (Witness)

Take a Tour

3rd Grade

The History-Social Science Standards for 3rd graders emphasize learning about the local community. Students, however, are also expected to learn about the role of rule and laws in our daily lives and begin to understand the structure of the U.S. Government. This lesson helps address standard 3.4, particularly 3.4.1 and 3.4.4.

A tour of the local courthouse provides an excellent opportunity to study the history of the local community. The court or the local historical society may have information about the history of the courthouse and how it has changed through the years. The court facility may be modern or of historical significance.

To assist students in learning about the history of courthouses throughout the state, students may visit the California courts website to view the Temples of Justice display of historical courthouse photos. (See the California Courts website, <http://www.courtinfo.ca.gov> under Courts, Temples of Justice). The project shows “the history of the state from Spanish colonialism to pioneer society to statehood”. A photograph of each county courthouse is included, accompanied by an explanatory paragraph. Teachers may use this information to generate discussions about local architecture as well as to discuss California history. Students could be assigned courthouses to research in various counties and to identify interesting facts, such as which is the oldest courthouse still in operation? Students can expand this research by learning about the history of their county as well, through county websites or the California State Association of Counties website http://www.csac.counties.org/counties_close_up_menu.html.

A visit to the courthouse will also help students understand the court’s unique role in their local community. Courts are an independent branch of government funded by the state, but they also exist in the local community and must be responsive to the needs of the local demographics. For example, courts must respond to the demographics of their communities by providing interpreters to help non-English speaking persons understand court proceedings. Given that California has 224 different languages and many dialects, provision of interpreter services is very challenging in some courts. Court personnel, particularly judges and court managers, work with other local government representatives to address important community issues, such as access to legal services for those in need, juvenile delinquency and substance abuse. Thus, courts operate both independently to insure fairness of the judicial process, but also must work cooperatively with other agencies to address community needs. Learning about the court will thus assist students in learning about how local government works

While 3rd graders are not expected to formally study government, the standards do require them to learn about rules and laws and the basic structure of the U.S. government. A tour will expose students to the functions handled by the court, provide opportunities to meet court personnel, including judges, a chance to ask questions about the history of the courthouse, learn why courts are important in a democratic society and increase student awareness of the role of jurors.. A tour of the courthouse may also be combined with a visit to the mayor’s office or other local government officials, to increase student understanding of the concept of separate branches of government.

Depending on circumstances in the court on the day of the visit, some educational lessons found in other sections of the teaching tools binder could also take place at the courthouse. For example, the judge might be able to walk students through the various aspects of a court hearing or preside over a mock trial involving students in key roles.

On the following chart you will find the California Superior Courts listed by county. Teachers are encouraged to visit the individual web sites to find information for each individual court location within a county. Visiting the court's website in advance of the visit to the courthouse may generate student interest and discussion. If you have the equipment available, an alternative would be to take your students on a "grand" virtual tour of the court(s) during class.

California Superior Courts By County

(Visit Web Sites for information on specific courts in each county)

Alameda County http://www.co.alameda.ca.us/courts/	Placer County http://www.placercourts.org/
Alpine County http://alpine.courts.ca.gov/	Plumas County http://www.plumascourt.ca.gov/
Amador County http://www.amadorcourt.org/	Riverside County http://www.co.riverside.ca.us/depts/courts/
Butte County http://www.butt ecourt.ca.gov/	Sacramento County http://www.saccourt.com/
Calaveras County http://www.calaveras.courts.ca.gov/	San Benito County http://www.sanbenito.courts.ca.gov/
Colusa County http://www.colusa.courts.ca.gov/common/default.asp	San Bernardino County http://www.co.san -bernardino.ca.us/Courts/
Contra Costa County http://cc-courts.org/	San Diego County http://www.sandiego.court s.ca.gov/superior/index.html
Del Norte County http://www.courtinfo.ca.gov/courts/trial/delnorte/	San Francisco County http://sfgov.org/site/courts_index.asp
El Dorado County http://eldocourtweb.eldoradocourt.org/	San Joaquin County http://www.stocktoncourt.org/
Fresno County http://www.co.fresno.ca.us/2810/	San Luis Obispo County http://www.slocourts.net/
Glenn County http://www.glenn court.ca.gov/index.html	San Mateo County http://www.sanmateocourt.org/
Humbolt Couty http://www.courtinfo.ca.gov/courts/trial/humboldt/	Santa Barbara County http://www.sbcourts.org/
Imperial County http://www.imperial.courts.ca.gov/	Santa Clara County http://www.sccsuperiorcourt.org/
Inyo County http://www.inyocourt.ca.gov/	Santa Cruz County http://sccounty01.co.santa -cruz.ca.us/supct/courtweb1/index.htm
Kern County http://www.co.kern.ca.us/courts/	Shasta County http://www.shastacourts.com/page.php?page=home
Kings County http://www.courtinfo.ca.gov/courts/trial/kings/	Sierra County http://www.sierracourt.org/
Lake County http://www.courtinfo.ca.gov/courts/trial/lake/	Siskiyou County http://www.siskiyou.courts.ca.gov/
Lassen County	Solano County http://www.solanocourts.com/
Los Angeles County http://www.lasuperiorcourt.org/	Sonoma County http://www.sonomasuperiorcourt.com/index_sc1.php
Madera County http://www.courtinfo.ca.gov/courts/trial/madera/	Stanislaus County http://www.stanct.org/courts/index.html
Marin County http://www.co.marin.ca.us/courts/	Sutter County http://www.suttercourts.com/
Mendocino County http://www.mendocino.courts.ca.gov/	Tehama County http://www.courtinfo.ca.gov/courts/trial/tehamas/
Merced County http://www.courtinfo.ca.gov/courts/trial/merced/	Trinity County http://www.courtinfo.ca.gov/courts/trial/trinity/
Modoc County http://www.frontiernet.net/~ldier/	Tulare County http://www.tularesuperiorcourt.ca.gov/
Monterey County http://www.co.monterey.ca.us/court/	Tuolumne County http://www.tuolumne.courts.ca.gov/
Napa County http://www.napa.courts.ca.gov/	Ventura County http://courts.countyofventura.org/
Nevada County http://court.co.nevada.ca.us/services/index.htm	Yolo County http://www.yolocourts.com/
Orange County http://www.occourts.org/	Yuba County http://www.yubacourts.org/

Interview a Judge or Other Legal Professional⁵⁵

4th Grade

Interviewing judges and other legal professionals will enhance student understanding of the functions and powers of government. As judges are elected officials, this activity is particularly relevant to standard 4.5.4, but should elicit information helpful to understanding key concepts of 4.5.

Many judges enjoy talking to students about the courts and their role as judges. Ethical guidelines prevent judges from talking about matters pending before them, but judges are able to answer questions about what it is like to be a judge or other court personnel and what it is like to work for the courts. Other legal professionals such as court clerks, court reporters and bailiffs may also be willing to talk to students. These interviews do not have to take place at the courthouse. Another option is to invite law related professionals into the classroom to speak to students, using these or other questions selected by the class. In addition to learning about the courts, these interviews can serve as an introduction to careers and court work-related possibilities.

When you contact your court to request a visit, be specific about your request. For example, what categories of legal professionals do you want to interview? What kinds of questions do you want to ask? Some question ideas for these interviews are provided below.

General Questions for all Interviewees

What is the title of your job?

Could you please tell us how you got your position as _____?

What is your day like?

What schooling or training was needed?

Were any special tests required?

How does a person enter your profession?

What led you to choose your profession?

Do you use any special type of equipment in your work? If so, please explain it to us.

Does your profession require you to wear a uniform of some kind? Why?

⁵⁵ This section was adapted from the CRADLE lesson entitled *Lawmakers Who's Who in the Law* created by Patricia Jarvis, Elementary School Teacher, Woonsocket, Rhode Island.

Why is your job important?

Would you choose this profession again if you had the chance? Why?

In what ways may your responsibilities change in the near future?

Does your career ever put you in any kind of danger? If so, can you please give us an example?

What has been an interesting case you have worked on?

If a young person wanted to go into your profession, what advice would you give?

Questions for Judges

How did you become a judge?

Are California judges appointed or elected? How does the system work?

What kinds of cases or disputes are brought to your courtroom?

What kinds of decisions do you have to make? What is a very difficult decision you have made?

What kinds of judges make what kinds of decisions?

Besides being in charge of a courtroom, what other jobs or responsibilities does a judge have?

Can a person lose his or her position as a judge? What would be some of the reasons for this?

Are there any laws that a judge can enforce on his or her own?

As a judge, can you decide what takes place in your courtroom?

Are there any laws which govern what goes on in your courtroom? If so, who made those laws?

Are there any state laws which a judge must follow?

Are there any federal laws which a judge must follow?

Why do some cases have a jury to decide them and some have the judge only?

Can a judge exclude a person from serving on a jury? Why would that be necessary?

Is there anyone who can overrule the decisions you make in your courtroom?

Can a judge tell a lawyer that he is taking too much time in questioning a witness?

Can you explain “family court”? What kinds of cases are brought to family court?

In family court, when can a child have his or her own lawyer?

Are children and adults accused of a crime treated the same in court?

Are there different rules governing juvenile court compared to “adult” court?

Court Administrator/Manager Questions

What does a court administrator do?

Why is your job important to the Court?

How do you work with the judges?

What is your day like?

What is the best part of your job?

Do you work with other community leaders? Can you give us some examples?

What kinds of courts are there in California? Can you explain the differences?

Are there any differences between what small and big courts do?

How do you apply for a job to work in the court?

What are some of the career positions that are available in the courts?

How is it determined what court you work for?

Court Clerk Questions

What does a court clerk do?

Why is your job important to the court?

What do you enjoy about your job?

What is the hardest or most challenging part of your job?

What happens if a witness doesn't speak English?

What is it like to work on a case that involves a celebrity or an issue that brings a lot of attention from the media?

What schooling and experience do you need to become a court clerk?

How does your job relate to others in the court? For example the judge, the bailiff and the court reporter?

Court Reporter Questions

What do court reporters do?

Why is your job important to the court?

Please tell us about the equipment you use to do your job.

Can you show us a sample of the notes you take in court? Are there certain symbols you use instead of words? How do you keep up with everything that is said in court? Can you ask people to repeat or slow down?

What kind of training and experience did you have?

What is the hardest part of your job?

How do you make sure you write everything down word for word?

What are your responsibilities after you have taken the notes in court?

Who “checks” your work? What do you do if you make mistakes?

Attorney Questions

What are some of the things you do as an attorney?

What types of problems do attorneys help with?

Why are attorneys important to the court system?

What are some of the things other attorneys do?

What does “the right to counsel” mean?

Why do some people have attorneys but some don’t?

What is the difference between a prosecutor and a defense attorney?

What is the difference between a criminal and civil attorney? Do some attorneys try both kinds of cases?

What kinds of skills does someone need to become an attorney?

Bailiff Questions

What is your job?

Who is your “boss?”

Why do you have a gun?

Do you arrest people?

Did you ever have to do something you really did not want to do in your profession?

How is your job dangerous?

What is the most important skill a bailiff needs to have?

What do you do to help the jury?

When juries have to stay away from home during a trial, what is your role?

What does it mean to “serve a legal document”? Is this part of your job?

Observe a Court Hearing or Trial

5th Grade

Observing a court hearing or trial provides 5th graders an opportunity to see first hand how the Constitution protects our liberties through due process protections provided to all who appear before the court. This will enable students to better understand the abstract concepts contained in the Bill of Rights and to give meaning to the phrase “the rule of law”. Thus, this activity is particularly relevant to standard 5.7.

Most court hearings are open to the public, however, some are confidential and there may be hearings that would be inappropriate for children due to the horrific or graphic nature of the crime. With these limits in mind, students are welcome to view proceedings that are open to the public, provided the proper rules of behavior are followed.

The following charts illustrate the various characteristics of types of hearings, courtroom personnel and key courtroom terminology intended to orient students to the courtroom environment prior to their visit. The charts are designed for you to copy and use as transparencies in your classroom discussion.

DIFFERENCES BETWEEN CIVIL AND CRIMINAL COURT PROCEEDINGS

	CIVIL	CRIMINAL
Who are the parties involved in the case?	Private Individuals/Businesses	The Government (Federal, State or Local)
What are the legal terms used to identify the two parties?	PLAINTIFF files the case DEFENDANT responds	PROSECUTOR files the case DEFENDANT responds
Describe the issue that the court must decide (What is the nature of the case?)	Court must determine whether one party has caused harm to another party; can deal with rights and duties between individuals	Court must determine whether one party has violated a statute that prohibits some type of activity; case deals with offenses against society as a whole
What is the difference between the notion of punishment?	Defendant is <i>never</i> incarcerated and <i>never</i> executed. A losing defendant in a civil case generally reimburses the plaintiff for losses caused by the defendant's behavior.	A guilty defendant is punished by either 1) incarceration in a jail or prison, 2) a fine paid to the government, or 3) in exceptional cases the death penalty.
What is the burden of proof for each type?	Generally more than a 50% probability that the evidence supports the charge(s)	The person is guilty beyond a reasonable doubt
Arraignments (individual brought to court, asked to plead to charges)	No arraignment	Arraignment when individual is brought into court, told of charges and asked to plead guilty or not guilty

TYPES OF HEARINGS FOR OBSERVATIONS

ARRAIGNMENT	A proceeding in which an individual who is accused of committing a crime is brought into court, told of the charges, and asked to plead guilty or not guilty.
PRELIMINARY HEARING	A proceeding before a judicial officer in which evidence is presented so that the court can determine whether there is sufficient cause to hold the accused for trial on a felony charge.
TRIAL	The hearing and determination of issues of fact and law, in accordance with prescribed legal procedures, in order to reach a disposition. Types of trials are a court or bench trial, heard only by a judge, and a jury trial, heard by 12 qualified citizens of the county where the trial is being held.
SENTENCING	The hearing where a judge announces the punishment ordered by the court for a defendant convicted of a crime.
LAW AND MOTION	A setting before the Judge at which time a variety of motions or pleas of legal technicality or requests for certain changes may be requested. The Judge interprets the law with regard to the motions. Normally, evidence is not taken. The presence of the plaintiff and defendant is not required.

COURTROOM PERSONNEL

JUDGE	An official of the judicial branch appointed or elected to hear and decide questions of law in court cases and to make certain that fair procedures are used. The judge sits on the bench in a black robe.
BAILIFF	A court official whose duties are to keep order in the courtroom and assists the jury. The bailiff wears a uniform and carries a gun.
COURTROOM CLERK	Court official who keeps court records, maintains official files, assists the public and administers the oath to jurors and witnesses. The courtroom clerk sits near the judge.
COURT REPORTER	A person who makes a word-for-word record of what is said in court and produces a transcript of the proceedings upon request. The court reporter sits where he or she can hear what everyone is saying.
WITNESS	One who testifies under oath to what s/he has seen, heard, or otherwise observed.
JUROR	A person selected according to law and sworn to inquire into and declare a verdict on matters of fact in civil and criminal trials.
ATTORNEY	A person who has been trained and licensed to represent others in legal matters. In a criminal trial, the prosecutor represents the interests of the State of California, the defense attorney represents the person accused of a crime. Attorneys are also called lawyers.

KEY COURTROOM TERMINOLOGY

ACQUIT	To find a defendant not guilty in a criminal trial.
BENCH	The seat occupied by the judge in a court.
EVIDENCE	Information legally presented in testimony of witnesses or documents, records or concrete objects that is used to persuade the fact finder (judge or jury) to decide the case for one side or the other.
GAVEL	The wooden object the judge holds in his or her hand to help maintain order.
JURY BOX	The seating area in the court that has a short wall around it where the people on the jury sit.
OATH	The swearing before the court that you will tell the truth or decide the case fairly. Witnesses and jurors take oaths.
SENTENCE	The punishment ordered by the court for a defendant convicted of a crime.
TESTIMONY	Evidence presented orally by witnesses during the trial or hearing.
TRIAL	The hearing and determination of issues of fact and law, in accordance with prescribed legal procedures, in order to reach a disposition. Types of trials are a court or bench trial, heard only by a judge, and a jury trial, heard by 12 qualified citizens of the county where the trial is being held.
VERBATIM RECORD	A word for word record of everything that is said in court about a case.
VERDICT	The decision of a trial jury or a judge that determines the guilt or innocence of a criminal defendant that determines the final outcome of a trial.

Inside the Courtroom...



<i>The Bar</i>	The modern courtroom and its layout are descended from ancient England. There was a time when the circuit Judge was also the Tax Collector. You can imagine the degree of affection afforded that person. The judges would have the “bailiffs” hold up tree trunks to keep the local citizens from charging him. That practice is still in play today, in semblance, with the bar that separates the judge from the audience. When an attorney is admitted into the bar, he/she may pass from the audience side to the side of the bar that has business with the court.
<i>The Judge</i>	An official of the judicial branch appointed or elected to hear and decide questions of law in court cases and to make certain that fair procedures are used. The judge sits on the bench in a black robe.
<i>The Jury Box</i>	The jury box is the segregated area where the jury sits. There are always at least 12 chairs for the jurors and usually at least one or two more for alternate jurors. The jury box is always placed nearest to the witness stand so that the jurors have the best opportunity to hear and see the witness with clarity.
<i>The Plaintiff/ Prosecutor</i>	The plaintiff, or the party who is prosecuting the case, is the party who carries the burden of proof. That party sits at the counsel table in front of the “well” closest to the jury box regardless of which side the jury box is located.
<i>The Defense</i>	The defendant and/or his or her attorney sit on the other end of the counsel table away from the jury.
<i>Court Clerk</i>	Court official, who keeps court records, maintains official files, assists the public and administers the oath to jurors and witnesses. The courtroom clerk sits near the judge.
<i>Court Reporter</i>	A person who makes a word-for-word record of what is said in court and produces a transcript of the proceedings upon request. The court reporter sits where he or she can hear what everyone is saying.
<i>Witness Stand</i>	Where the one who testifies under oath to what s/he has seen, heard, or otherwise observed sits when giving testimony.
<i>Jury Room</i>	A separate room, off limits to all except the jury, where they meet while deliberating the facts of the case. The jury is sometimes excused to the Jury Room, by the Judge, when there is a question as to what should be presented in the trial.
<i>Bailiff</i>	A court official whose duties are to keep order in the courtroom and assists the jury. The bailiff wears a uniform and carries a gun.

1-21 Setting up a Visit to the Courthouse- All Grades

To set up a visit, teachers should contact the clerk's office for the Superior Court of California in their county that they wish to visit. It is best to provide as much lead-time as possible, to insure appropriate arrangements can be made for an educational visit. Many California courts have staff that handle community outreach/educational programs such as courthouse visits. These individuals, or other staff in the clerk's office, can help teachers select an appropriate date for a class visit. For 5th grade classes that want to observe a court session, staff can assist with finding an appropriate viewing time. Court staff can also assist with answers to logistical questions, such as where to park.

Some questions you may want to ask the clerk's office:

- How many students may I bring to the court at one time?
- Which days and times are best to bring students to the court?
- What can my students do at the court?
- What parts of the courthouse can my students visit?
- What are the rules of behavior and dress the students must follow? (Generally these include: no food or drink in the courtroom, no gum, and no hats. There may be different rules for an individual court. (See page 19 for graphic).
- Are there any judges or other law related personnel such as clerks, court reporters or attorneys willing to speak to the students? How can I set up a meeting or interview with them?
- Would any court personnel be willing to visit my classroom before or after the visit?
- Do you have any prepared material I can share with my class before our visit?

Contacting the California Courts

Contact information for state and federal courts follows, organized by court type.

Superior Courts of California

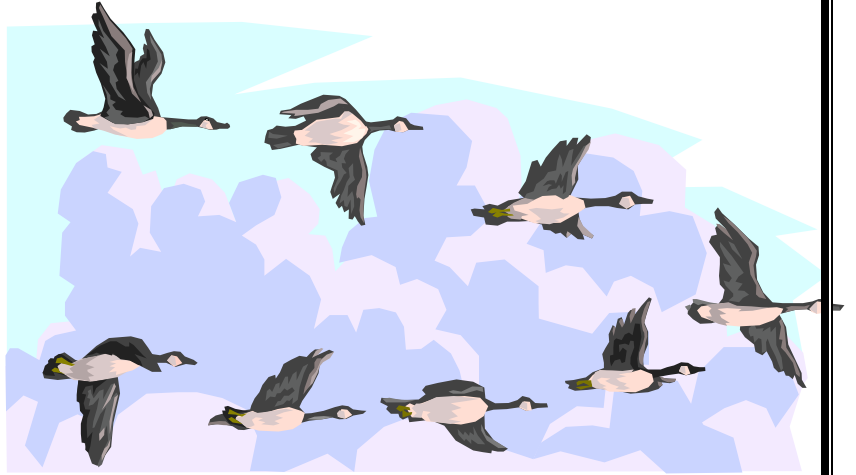
California Superior Courts will be the most appropriate courts for students in grades 3-5 to visit. Many courts have community outreach programs that include school tours. Teachers may want to visit the superior courts website in their county before arranging a trip to the Court, see page 6 for a list of websites. These websites include contact information.

You can also look in the local phone book, under the government section to find the superior court in your county.

Courthouse Behavior



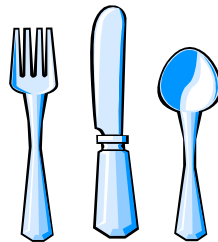
Be on time for your tour.



Stay with your group.



No talking while court is in session



**Leave all metal utensils at home when you bring your lunch. Don't have any metal in your back pack
You will be going through several security checks**



**Always raise your hand
When you have a question.
And only ask when you are called.**



Dress Appropriately. Don't go barefoot, wear shorts or cut offs, halter or tank tops. Remove hats

Although younger students are less likely to visit the appeals courts, these courts are a vital part of the Judicial Branch. The following information is provided for those interested in learning more about the appellate courts.

California Courts of Appeal

There are six appellate court districts in California, with 19 divisions and 105 justices. District headquarters are:

- First Appellate District – San Francisco
- Second Appellate District- Los Angeles
- Third Appellate District-Sacramento
- Fourth Appellate District, Division One- San Diego
- Fifth Appellate District- Fresno
- Six Appellate District- San Jose

Additional information about the California Courts of Appeal is available at the California Courts website: <http://www.courtinfo.ca.gov/courts/courtsofappeal/about.htm>

Supreme Court of California

The Supreme Court of California is the state's highest court. Its decisions are binding on all other California state courts. The court conducts regular sessions in San Francisco, Los Angeles, and Sacramento; it may also hold special sessions elsewhere.

Access the California Courts website to learn more:
<http://www.courtinfo.ca.gov/courts/supreme/about.htm>

Federal Courts in California

United States Courts located in California are part of the 9th circuit. There are four districts in California: Central, Eastern, Northern and Southern. Each of these districts has a bankruptcy court and a district court. For location and contact information, access the Federal Judiciary website <http://www.uscourts.gov/>. Click on the court type you are interested in, such as U.S. District Courts to access more information.

Following the Courthouse Visit Student Activities⁵⁶

The learning experience of the visit to the courthouse may be reinforced by in class activities. The quiz below is intended to be taken by all students after the tour to reinforce what they learned.

What Did You Learn?-Court Quiz

What was the name of the court you visited_____

1. What kind of work does the court you visited do?
2. What do judges do?
3. Name two different types of attorneys who work on criminal cases.
4. What do witnesses have to swear to do before they are allowed to start talking to the court?
5. Why is there a person in uniform in the courtroom?
6. Who takes down what is said in court word for word and why?
7. What object does a judge use in the courtroom that tells everyone to listen and be quiet?
8. What is the name of the highest court of appeal in California?
9. What did you learn during your visit to the courthouse that you did not know before?

⁵⁶ The California Judicial Education for Youth Project acknowledges the New York State Unified Court System as the original developers of [this activity](#) [the ideas in this section](#). ~~This lesson~~ [Activities](#) adapted with permission.

Individual or Group Activities

Depending on the lesson plan, these activities could be self selected by a student or group of students, or assigned by the teacher to insure a variety of activities are chosen.

1. If you could choose a career in the California Court system, which job would you choose and why would you choose it? Please give at least three reasons for your answer.
2. Name three reasons why a person would have contact with the court system. Describe the process involved with each reason, based on what you learned during your visit.
3. Draw a cartoon that tells about your visit to the courthouse.
4. Write a poem about your experience visiting a California Superior Court.
5. Describe the education and experience needed to become a superior court judge.
6. Give an oral presentation on the various careers in the court system.
7. Working in a small group, role-play the various activities that take place in a courtroom.
8. Present a skit about something you learned on your field trip about the way the court works.
9. Write a thank you note to the person who gave the tour, explaining what you learned.
10. Write a reflective essay or journal entry about why the courts are important.
11. Draw a picture showing ways in which the court helps people.

California Judicial Education for Youth Project
Section VII - Additional Resources

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Glossary of Terms Related to Lessons

6th Amendment: one of the amendments included in the Bill of Rights. For those accused of breaking criminal laws, some of the important protections it provides include the right to a speedy and public jury trial and the right to an attorney.

7th Amendment: an amendment that is part of the Bill of Rights. This amendment applies to civil cases and includes the right to a jury trial.

Abridge/Abridging: to make shorter; to shorten in duration; to lessen; to diminish; to curtail; as, to abridge power or rights.

Absolute Power: power without any limits.

Accused: a person charged with a crime.

Acquit: to find a defendant not guilty in a criminal trial.

Action (Case, Suit, Lawsuit): a legal dispute brought into court for trial.

Adversary system: the system of trial practiced in the United States and some other countries. Parties have the opportunity to present evidence and to ask questions of the other side. An impartial judge or jury hears the case and rules of procedure are followed.

Advocate: one that pleads the cause of another; for example an attorney who pleads a case in court.

Affirmed: when an appeals court finds that the trial court's decision was correct, the decision is "affirmed".

Alibi: an excuse or plea that a person was somewhere else at the time a crime was committed.

Allegiance: the loyalty owed by a subject or citizen to a sovereign or government.

Annoy: 1) to disturb or irritate especially by repeated acts 2) to harass especially by quick brief attacks.

Appeal: a request made after a trial, asking a higher court (appellate court) to review the trial courts decision to determine if it was correct.

Appeals Court: (see Appellate Court).

Appellate Court: a court that hears appeals from a lower court.

Aqueduct: a pipe or channel designed to transport water from a remote source, usually by gravity.

Arbitration: a third party, called an arbitrator, hears the complaints and makes a decision that the parties have agreed in advance to accept. This is a less formal process than a trial.

Arraignment: a proceeding in which an individual who is accused of committing a crime is brought into court, told of the charges, and asked to plead guilty or not guilty.

Arrest: to take away a person's liberty by a legal authority.

Articles of Confederation: the governing document of the thirteen original American states, adopted in 1781. This document was replaced by the U.S. Constitution.

Assault: 1) a violent physical or verbal attack 2) a threat or attempt to inflict offensive physical contact or bodily harm on a person (as by lifting a fist in a threatening manner) that puts the person in immediate danger of or in apprehension of such harm or contact.

Assimilation: the process of becoming similar to others by taking in and using their customs and culture.

Attorney: a person who has been trained and licensed to represent others in legal matters. Attorneys are also called lawyers.

Authority: the power to determine, adjudicate, or otherwise settle issues or disputes; jurisdiction; the right to control, command, or determine.

Bailiff: a court official whose duties are to keep order in the courtroom and assist the jury.

Battery: an assault in which the attacker makes physical contact.

Bench: the seat occupied by the judge in court. Sometimes refers to the court itself.

Bench trial: trial without a jury in which a judge decides the case.

Beyond a reasonable doubt: the standard in a criminal case requires that the jury be entirely convinced of a defendant's guilt.

Bill: a proposed law, introduced during a session for consideration by the Legislature; may also refer to resolutions and constitutional amendments.

Bill of Rights: the first ten amendments to the Constitution which restrict the federal government's power to take away certain basic rights of the people.

Blessings of Liberty: phrase in the Preamble to the Constitution, refers to a desirable situation where everyone enjoys the basic freedoms.

Boycott: to refuse to buy (a product) or take part in (an activity) as a way of expressing strong disapproval.

Braceros: Mexican laborers permitted to enter the United States and work for a limited period of time, especially in agriculture.

Bully: a person who teases, hurts, or threatens smaller or weaker persons.

Bug: to disturb or irritate especially by repeated disagreeable acts.

“Buyer Beware”: a person considering a purchase should be cautious, especially when something appears too good to be true.

Cabinet: a group made up of the heads of the departments of the executive branch. At the state level, they advise the governor; at the federal level, the President.

California Assembly: that house of the California legislature consisting of 80 members, elected from districts apportioned on the basis of population.

California Courts of Appeal: a court that can review how the law was used to decide a case in a lower court. California Courts of Appeal review the decisions of the superior courts.

California Governor: the chief executive of California state government.

California Senate: the house of the California Legislature consisting of 40 members elected from districts apportioned on the basis of population, one-half of whom are elected or re-elected every two years for four-year terms.

California Superior Courts: the trial court in each county of the State of California. This court hears all adoption, family law, juvenile, criminal, civil, small claims, and probate cases.

California Supreme Court: the Supreme Court of California is the state's highest court. Its decisions are binding on all other California state courts.

Caring: to feel interest or concern.

Case law (Common law): the law made by previous decisions of appellate courts (particularly the Supreme Court) instead of by legislatures.

Censor: to [remove parts of \(something to be read, seen, or heard\) because it is offensive or considered objectionable, morally wrong or secret.](#)

Chambers: a judge's private office in the courthouse.

Chaotic: a state of utter confusion.

Character traits: the distinguishing features of one's personal nature that determine a person's moral and ethical actions.

Charge: the statement accusing a person of committing a crime.

Charge to the jury: the judge's instructions to the jury concerning the law that applies to the facts of the case on trial.

Cheating: to act in a way that is dishonest, or to make (someone) believe something that is not true in order to get something for yourself.

Checks and balances: sharing and balancing power among the three branches of government so that no one branch can dominate the others.

Chief Justice: the head of a court. The presiding justice of the California Supreme Court, the highest judicial officer in the state. The highest judicial officer of the federal court system is also called the Chief Justice.

Citizen: a member of a state who owes loyalty to a government and is entitled to protection from it.

Citizenship: the quality of an individual's response to membership in a community.

Civic responsibility: duties citizens perform in order to promote a self-governing, free and just society.

Civil case: non-criminal cases in which one private individual or business sues another to protect, enforce, or to obtain or correct civil rights.

Civil law: the branch of law dealing with private rights of individuals, groups or businesses, including but not limited to, contracts, personal injury and dissolution of marriages.

Civil penalty: in a civil case, the punishment for wrong doing is often money to be paid to the person who was harmed by the wrongful act, such as an injury or property damage.

Civil rights: fundamental rights belonging to every member of society.

Civic virtue: putting the common welfare above individual interests.

Claim: 1) a demand for something as rightful or due. 2) a basis for demanding something; a title or right. 3) something claimed in a formal or legal manner, especially a tract of public land staked out by a miner or homesteader. 4a. a demand for payment in accordance with an insurance policy or other formal arrangement. b. the sum of money demanded.

Clerk's office: the place in the courthouse where official legal documents are filed and maintained.

Collaboration: a way of working with another person to seek solutions that satisfy both people. This involves accepting both people's concerns as valid and digging into an issue in an attempt to find new possibilities. It also means being open and exploring many ideas to help resolve a dispute.

Commemorate: to mark by some ceremony or observation.

Commissioner: person chosen by the court and given the power to hear and make decisions in certain kinds of legal matters.

Common defense: protection of the people from enemies.

Community: a group of people living in the same location who have common interests.

Community service: voluntary actions by people who live in a particular area to help solve problems that exist in their community.

Complaint: 1) the legal document that usually begins a civil lawsuit. It states the facts and identifies the action the court is asked to take. 2) formal written charge that a person has committed a criminal offense.

Compromise: a way to resolve conflicts where [the people involved reduce their demands or change their opinion in order to reach agreement](#).

Concur: when justices of appeals courts write opinions, they may agree with the main decision but have different legal reasons. Thus, a justice may write a “concurring opinion”.

Conflict: an active disagreement between opposing interests or needs.

Conflict resolution: ways to solve problems that use communication and creative thinking to develop voluntary solutions that are acceptable to those concerned in a dispute. Conflict resolution processes include negotiation (between two people), mediation (involving a third person who can help resolve the conflict) and consensus decision making (encouraging group problem solving).

Consent: to express willingness or approval.

Consequences: something produced by a cause or necessarily following from a set of conditions.

Constitution: the basic principles and laws of a nation, state, or social group that determine the powers and duties of the government and guarantee certain rights to the people in it.

Contract: a legally enforceable agreement made orally or in writing, between two or more persons that creates an obligation to do or not do certain things.

Contract law: the branch of law that deals with the rights and obligations of parties entering into contracts.

Contract negotiations: discussions intended to produce a binding agreement between two or more persons that is enforceable by law.

Conviction: in a criminal case, a finding that the defendant is guilty.

Corroboration: confirmation or support of the story of a witness or victim.

Court: 1) government branch authorized to resolve legal disputes, such as a: whether a person accused of breaking the law is guilty or not guilty; b: disputes involving civil or personal rights; c: interpretation of provisions of the laws enacted by the legislature; and d:

whether a law violates the Constitution of the state or the United States. 2) the building where judicial business takes place. 3) a judge or judges in session.

Court administrator: the highest level manager of the court.

Court clerk: court official who keeps court records, maintains official files, assists the public and administers the oath to jurors and witnesses.

Court reporter: a person who makes a word-for-word record of what is said in court and produces a transcript of the proceedings upon request.

Crime: acts that violate society's law.

Criminal: a person who has been found guilty of having broken one or more of society's laws.

Criminal case: a case brought by the government against a person accused of committing one or more crimes.

Criminal law: the branch of the law dealing with crimes and their punishment.

Criminal penalty: the punishment for committing and being convicted of a crime.

Custom: an accepted practice or way of behaving that is followed by tradition.

Cross-examination: the questioning of a witness by the opposing side of a criminal action or lawsuit.

Damages: a loss or harm caused by injury to one's person or property or payment in money ordered by a court for loss or injury.

Deception: a statement or action that hides the truth.

Decision: a determination arrived at after consideration.

Declaration of Rights: Article I of the California Constitution which guarantees the same fundamental rights as those found in the United States Constitution.

Defendant: the person accused of breaking the law in a criminal case or of committing improper acts that caused damages in a civil trial.

Defense: 1) the defendant and his legal advisors collectively. 2) defendant's denial, answer, or plea.

Defense attorney: the lawyer who represents the legal interests of the defendant or the accused person.

Defer: to deliberately put off jury service to a different time.

Delegates: persons chosen or elected to act for or represent others.

Deliberate/Deliberations: the process of the jury reaching a decision in a criminal or civil case. This occurs in a separate private room after the evidence has been given and the witnesses have been questioned in a trial.

Democracy: a government in which the power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections.

Direct examination: the first interrogation or examination of a witness, on the merits; by the party on whose behalf he is called.

Discriminate/discrimination: to treat a person or particular group of people unfairly because of their race, religion, sex, weight or other characteristic.

Disenfranchised: to be deprived of the rights of citizenship, especially the right to vote.

Dishonesty: lack of honesty; acts of lying or cheating or stealing.

Disorderly: engaged in conduct offensive to the public order.

Dispute: the assertion of conflicting claims or rights between parties involved in a legal proceeding, such as a lawsuit, mediation or arbitration.

Disrespect: lack of respect; discourtesy; rudeness.

Dissent: to disagree. An appellate court opinion setting forth the minority view and outlining the disagreement of one or more judges with the decision of the majority.

District Attorney: a lawyer employed by the government to prosecute criminal cases; also referred to as prosecutor.

Document: a paper or set of papers with written or printed information, especially of an official type.

Domestic tranquility: this phrase is included in the preamble to the United States Constitution and means a peaceful situation within our country.

Due process/Due process of law: the right of all persons to receive the guarantees and safeguards of the law and the judicial process. It includes such constitutional requirements as the right to remain silent, to a speedy and public trial and to an impartial jury.

Ecosystem: all the living things in an area and the way they affect each other and the environment.

Encroachment: to take possession of something in a gradual way, often without the other party noticing.

Environment: the air, water and land in or on which people, animals and plants live.

Equality: the same in amount, number or size, or the same in importance and deserving the same treatment.

Equal rights: the idea that all individuals are the same in importance and should receive the same treatment, particularly from government and law.

Establish justice: included in the Preamble to the Constitution, referring to the system of courts planned for the United States that would resolve disputes peacefully through appointment of independent judges and adherence to the supreme law of the land.

Ethical standards: rules and principles of behavior for the right way to act, especially related to a profession, judges and lawyers.

Evidence: information legally presented in testimony of witnesses or in documents, records or concrete objects that is used to persuade the fact finder (judge or jury) to decide the case for one side or the other.

Excuse for undue hardship (jury): hardship is defined by law and includes no reasonable transportation, excessive travel, extreme financial burden, undue risk to physical property, physical or mental impairment for those over age 70, public health and safety, or no alternate care for another.

Executive branch: branch with the power to carry out, or enforce the law.

Expel : to force to leave; to remove.

Exploiter(s): someone who uses other people or things for his or her own profit or advantage.

Fair/fairness: treating someone in a way that is right or reasonable, or treating a group of people equally and not allowing personal opinions to influence your judgment. To be fair and open-minded, willing to admit error, and if appropriate, change positions and beliefs; to demonstrate a commitment to justice and the equal treatment of individuals.

Federal question jurisdiction: jurisdiction given to federal courts in cases involving the interpretation and application of the U.S. Constitution, acts of Congress, and treaties.

Felony: a serious crime carrying a penalty of more than one year in prison.

Fine: a sum of money paid as part of a penalty or conviction for a particular offense.

Foreperson: the person chosen by a group of jurors to be their leader and spokesperson.

Franchise: a statutory right or privilege granted to a person or group by a government (especially the rights of citizenship and the right to vote).

Fraud: intentional deception to deprive another person of property or to injure that person in some other way.

Free exercise clause: the part of the First Amendment that says the government shall make no law denying an individual the right to practice his religious beliefs.

Freedom of assembly: the First Amendment prohibits governments from abridging “the right of the people to peaceably assemble.” This right is protected even for those with whose speech many people might disagree with. There must be a “clear and present danger” or an “imminent incitement of lawlessness” before freedom of assembly can be restricted by government officials.

Freedom of petition: the right to petition included in the First Amendment has been interpreted to cover the right of citizens, groups, special interest groups, to make their views known to all parts of government, including the executive branch and its administrative agencies as well as the legislature.

Freedom of religion: the First Amendment prevents the government from making laws that deny an individual the right to practice his religious beliefs.

Freedom of speech: the right to speak freely even if others do not agree, that is included in the First Amendment. Some limits are placed on this freedom that are necessary to promote other social goals.

Gavel: the wooden object the judge holds in his or her hand to help maintain order.

General welfare: the good of all the people.

Government: the organization through which political authority is exercised in a society.

Graffiti: writings or drawings made on surfaces in public places.

Guilty: a court decision that a defendant committed a crime. Or when a defendant admits he or she committed a crime.

Harass: to irritate or torment persistently.

Harmony: when people are peaceful and agree with each other, or when things seem right or suitable together.

Hate crime: a crime motivated by hate, prejudice or intolerance against a social group.

Hearsay: statements by a witness who did not see or hear the incident in question but heard about it from someone else. Hearsay is usually not admissible as evidence in court.

Honesty: to be truthful, sincere, forthright, straight forward, frank and candid.

Horseplay: rowdy or rough play.

House of Representatives: one house of Congress. The number of representatives from each state is based on its population.

Human rights: basic rights and freedoms assumed to belong to all people everywhere.

Hydraulic mining system: massive amounts of water delivered under high pressure. In the Sierras natural banks were blasted with black powder, then hit with powerful streams of water. Then sluice boxes separated the gold from the washed-down gravel.

Icon: a very famous person or thing considered as representing a set of beliefs or a way of life.

Ideals: principles or ways of behaving that are of a very high standard.

Illegal: doing something that is against the law.

Impartial: able to judge or consider something fairly without being influenced by bias, favoritism or other factors.

Impeachment: 1) the process of calling something into question, as in "impeaching the testimony of a witness." 2) the constitutional process whereby the House of Representatives may "impeach" (accuse of misconduct) high officers of the federal government who are then tried by the Senate.

Incarceration: imprisonment; confinement in a jail or penitentiary.

Indian Removal Act: on May 26, 1830, the Indian Removal Act of 1830 was passed by the Twenty-First Congress of the United States of America. It gave the president power to negotiate removal treaties with Indian tribes living east of the Mississippi. Under these treaties, the Indians were to give up their lands east of the Mississippi in exchange for lands to the west.

Individual liberty: the choice of an individual to exercise freely those rights generally accepted as being outside of governmental control.

Indivisible: not able to be separated from something else or into different parts.

Information: a document filed in a court by a prosecutor accusing someone of having committed a crime.

Infraction: a breach, violation, or infringement of a minor law punishable only by fine and not imprisonment; most commonly used in traffic laws.

Injunction: a court order forbidding or compelling a certain action.

Innocent: not guilty of a specific crime or offense; legally blameless: *the court found the defendant was innocent of all charges.*

Inseparable: not separable; incapable of being separated or disjoined.

Integrity: to be principled, honorable, and upright.

Intentional: something that is done on purpose.

Intimidate: to frighten or threaten someone, usually in order to persuade them to do something that you want them to do.

Inviolate: not subject to change, damage, or destruction.

Issue: the disputed point in a disagreement between parties in a lawsuit.

Jail: a prison; a building designated by law, or regularly used, for the confinement of persons held in lawful custody.

Judge: an official of the judicial branch appointed or elected to hear and decide questions of law in court cases and to make certain that fair procedures are used.

Judge pro tem: an attorney serving as a temporary judge, based on a request by the court.

Judgment: 1) the act or process of judging; the formation of an opinion after consideration or deliberation. 2) the official decision of a court finally determining the respective rights and claims of the parties to a suit.

Judicial branch: refers to the court system; the branch of government that interprets and applies the laws and settles disputes.

Judicial independence: decisions of the judiciary should be impartial, based on the law and facts of the case, and not subject to influence from the other branches of government.

Judicial review: the power of the courts to declare laws and actions of the local, state or national government invalid if they are not allowed by the Constitution.

Judiciary: the system of courts of law that administers justice.

Jurisdiction/original jurisdiction: 1) the legal authority of a court to hear and decide a case. Original jurisdiction means that a court is the first to hear a case. 2) the geographic area over which the court has authority to decide cases.

Jury: persons selected according to law and sworn to inquire into and declare a verdict on matters of fact in civil and criminal trials.

Jury deliberations: when a jury, for either a civil or criminal case, goes into the jury room to discuss the evidence and testimony and reach a [verdict](#).

Jury duty: the responsibility of all eligible American Citizens to appear in court and serve as a juror when summoned.

Juror eligibility: all U.S. citizens who are over the age of 18, a resident of the county that issued the jury summons, and able to understand the English language are eligible to serve on a jury in the state of California. Of these people, only convicted felons, meaning anyone who has been found guilty of a serious crime, cannot serve.

Jury of one's peers: this phrase means that the persons called to participate in juries shall represent a broad range of the population, including race national origin and gender. It means that the process used to select jurors, cannot purposely exclude particular groups.

Jury selection: the process used to select jurors for a trial. Once the jurors arrive in the courtroom, the judge and lawyers ask the jurors questions for the purpose of determining whether jurors are free of bias, or prejudice, or anything might interfere with their ability to be fair and impartial.

Jury trial: the hearing and determination of issues of fact and law, in accordance with prescribed legal procedures, in order to reach a disposition by 12 qualified citizens of the county where the trial is being held.

Just/Justice: the quality of being just, impartial or fair. The principle or ideal of moral rightness. The upholding of what is right and fair. In our country, justice also includes the concept that every person is entitled to fair and impartial treatment under the law without regard to race, gender, ethnicity, age or religion. Due process requires that no law or government procedure may be arbitrary or unfair.

Labor union: an organization of workers that negotiates collectively with employers over wages, working conditions, etc.

Landmark: a structure (as a building) of unusual historical and usually aesthetic interest; especially one that is officially designated and set aside for preservation.

Law/laws: a rule, usually made by a government, that states how people in a society may and may not behave, or the whole system of such rules.

Law and order: the condition existing in a society when the vast majority of the population observes the generally established rules of conduct.

Lawsuit: a legal action started by a plaintiff against a defendant based on a complaint that the defendant failed to perform a legal duty, resulting in harm to the plaintiff.

Lawyer: a person who has been trained and licensed to represent others in legal matters. In a criminal trial, the prosecutor represents the interests of the State of California, the defense attorney represents the person accused of a crime. Lawyers are also called attorneys.

Legal documents: official documents that grant certain rights or create obligations.

Legislation: 1) the act or process of legislating; making laws. 2) a proposed or enacted law or group of laws.

Legislative branch: the branch of government that makes the laws.

Lie: to say or write something which is not true in order to deceive someone.

Litigant: a party to a lawsuit; one engaged in litigation.

Litigation: a case, controversy, or lawsuit.

Majority: 1) more than half of something, such as the votes cast in an election. 2) the age at which a person can exercise the legal rights of an adult, such as entering into contracts or voting.

Mediation: brings together people in conflict with a neutral third party who assists them in reaching a mutually-agreeable settlement.

Mediator: an invited expert in a dispute whose expertise and experience in conflict resolution techniques and processes are used to help disputants create a satisfactory solution. The mediator is a process guide whose presence is acceptable to both disputants and who has no decision making power concerning the issues of the dispute.

Memorial: an object, often large and made of stone, which has been built to honor a famous person or event.

Misdemeanor: an offense punishable by one year of imprisonment or less.

Misrepresent: to describe falsely an idea, opinion or situation or the opinions of someone, often in order to obtain an advantage.

"Mistake of Fact": 1) an ignorance or forgetfulness of a fact, past or present critical to the contract. 2) belief of something essential to the contract that doesn't exist or never existed.

Monument: a statue or building that is built to honor a special person or event.

National identity: an awareness of the values, principles and beliefs associated with being an American.

Navigable: an area of water deep, wide or safe enough for a boat to go through.

Negotiation: an interaction between two or more people who have actual or perceived conflict of interest. In a negotiation, the parties voluntarily participate in a dialog to educate each other about their needs and interests, to exchange information, and to create a solution that meets the needs of both parties.

Nullity: something which may be treated as nothing, as if it did not exist or never happened. This can occur by court ruling or enactment of a statute.

Oath: the swearing before the court that you will tell the truth or decide the case fairly. Witnesses and jurors take oaths.

Objection: the process by which one party takes exception to some statement or procedure. An objection is either sustained (allowed) or overruled by the judge.

Offender: a person who break's society's law.

One-day/One-trial: a system used in California courts to make it easier on jurors. Jurors come to court once. If they are not selected for a trial, their service is complete. If a juror does serve on a jury, the court will not call them again for jury service for at least a year.

Order: 1) a written or oral command from a court directing or forbidding an action. 2) order in society, a state of peace and security.

Party: a person, business or government agency actively involved in the prosecution or defense of a legal proceeding, including the attorney for either side. At the trial level, party names are plaintiffs and defendants (petitioners and respondents). Parties involved in an appeal are known as appellants and respondents in appeals.

Perjury: lying while under oath.

Personal responsibility: the job or duty of an individual to take care of something.

Pester: to annoy someone by doing or asking for something repeatedly.

Pesticides: a chemical used to kill pests such as rodents or insects.

Petitioner: a person that presents a petition (a formal written request asking for a specific legal action) to the court.

Plagiarize: to use another person's idea or a part of their work and pretend that it is your own.

Plaintiff: the person or party who files a complaint and brings legal action against another person or party.

Plea: in a criminal case, the defendant's statement pleading "guilty" or "not guilty" in answer to the charges.

Postponement - jury: permission to put off serving as a juror until a later time. A postponement may be available for jurors with health problems, a paid vacation, or other personal commitments that conflict with the original jury service dates.

Power: the ability or official capacity to exercise control; authority.

Preamble: the introduction to the United States Constitution. The framers stated that the people established the government and listed the purposes of government.

Precedent: a court decision in an earlier case with facts and legal issues similar to a dispute currently before the court that may guide the decision of the current case.

Prejudice: 1) preconceived judgment or opinion 2) an unfair and unreasonable opinion or feeling formed without enough thought or knowledge b: an instance of such judgment or opinion c: an irrational attitude of hostility directed against an individual, a group, a race, or their supposed characteristics.

Preliminary hearing: a proceeding before a judicial officer in which evidence is presented so that the court can determine whether there is sufficient cause to hold the accused for trial on a felony charge.

President: the chief executive and head of state in a republic; an officer who presides over a legislative body. For example, the Vice-President of the U.S. is also the president of the Senate.

Presumption of innocence: a strongly held value of the American justice system which means that someone accused of a crime is innocent until proven guilty by the prosecution.

Proceeding: generally, the process of conducting judicial business before a court or other judicial officer. A "proceeding" refers to any one of the separate steps in that process, like, a motion or a hearing.

Prohibit: to forbid by authority.

Prosecute: to charge someone with a crime.

Prosecution: the team of lawyers representing the government in a criminal case.

Prosecuting attorney: a prosecutor tries a criminal case on behalf of the government.

Protect: to keep someone or something safe from injury, damage or loss.

Protection: to maintain the status or integrity of especially through financial or legal guarantees.

Public defender: lawyers regularly employed by the government to represent people accused of crimes and who cannot afford to hire their own lawyer.

Public Trust Doctrine: this Doctrine originated in early Roman law and, as incorporated into English Common law, held that certain resources were available in common to all humankind by 'natural law.' Among those common resources were 'the air, running water, the sea and consequently the shores of the sea. In California, the Public Trust Doctrine has been defined by the courts as providing the public the right to use California's water resources for: navigation, fisheries, commerce, environmental preservation and recreation; as ecological units for scientific study; as open space; as environments which provide food and habitats for birds and marine life; and as environments which favorably affect the scenery and climate of the area.⁵⁷

Public virtue: dedication to the common good, even at the cost of individual interests.

Ratified/ratify: formal approval, consent or agreement, such as the when the states ratified the Constitution.

Representatives of the people: a system of government by which power is held by the people and used by elected representatives.

⁵⁷ Excerpted from California's Rivers, A Public Trust Report - Executive Summary, prepared for the California State Lands Commission in 1993.

Resolution: a formal statement of a decision or an opinion before a group such as the Legislature or Congress. **Joint:** a resolution expressing the Legislature's opinion about a matter within the jurisdiction of the federal government, which is forwarded to Congress for its information. Requires the approval of both Assembly and Senate but does not require signature of the Governor. **Concurrent:** a measure introduced in one house that, if approved, must be sent to the other house for approval. The Governor's signature is not required. These measures usually involve the internal business of the Legislature.

Respect: to treat something or someone with kindness and care; to accept someone's rights and customs and do nothing to cause them offense.

Respondent: the person against whom an appeal is made; the responding party in civil cases, such as adoptions or divorce.

Republic: the form of government in which ultimate power resides in the people, who elect representatives to participate in decision-making on their behalf. The head of state in a republic is usually an elected president. A republic is founded on the idea that every citizen has a right to participate, directly or indirectly, in government and that the will of the people is the greatest authority. The U.S. is a republic.

Responsibility: something for which one is responsible; a duty, obligation, or burden.

Right: something to which one has a just claim as in, the power or privilege to which one is justly entitled. The plural is rights.

Rule: an accepted principle or instruction that states the way things are or should be done, and tells you what you are allowed or are not allowed to do. The plural is rules.

Safety: the condition of being safe from undergoing or causing hurt, injury, or loss.

Sedition: conduct or language causing organized resistance against the authority of a state.

Self-control: control over your emotions and actions.

Senate: an assembly having the highest deliberative and legislative function in a government. In the U.S. senate, each state has two members elected by a vote of the people for a six year term.

Sense of community: an awareness and understanding of the place where you live, including its history.

Sentence: the punishment ordered by a court for a defendant convicted of a crime.

Separate but equal: the argument that separate public facilities for blacks and whites were constitutional if the facilities were of equal quality.

Separation of powers: the division of powers among the different branches of government. At both the federal and state levels, powers are divided among the legislative, executive and judicial branches.

Shoplifting: taking something from a store without paying for it.

Slander: 1) untrue spoken statements that damage someone's reputation. 2) an abusive attack on a person's character.

Small claims case: a civil dispute where the amounts of money involved are less than \$5000. Parties do not have attorneys or a jury for small claims cases.

Small claims court: the division of the trial court that handles civil cases asking for \$5,000 or less.

Social justice: a situation in which all individuals and groups in a society are treated fairly and equally, regardless of race, gender, or any other factor that could be used to create situations of injustice.

Social responsibility: concern for the ethical consequences of a person's or institution's acts as they might affect the interests of others.

Society: a community, nation, or broad grouping of people having common traditions, institutions, and collective activities and interests.

Sovereign nation: a nation with independent authority over its people and lands.

Squatters: persons who [live in an empty building or area of land without the permission of the owner](#).

Statutory law: law passed by a law-making body such as the State Legislature.

Steal: to take the property of another wrongfully and especially as an habitual or regular practice.

Strike: the withdrawal of labor by a group of workers, acting collectively, in order to achieve some goal such as higher wages or better working conditions, or to resist management proposals for changes that they oppose.

Sue/Sueing: start legal proceedings against someone or against an organization; to file a case against.

Summons: an official order to appear in court at a specific time.

Summoned: to call in an official manner, such as to attend court.

Supreme law: Art. VI, cl. 2 of the Constitution says: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

Sustained: in a trial, for a judge to agree with an attorney's objection to a question asked by the other side.

Symbol: a sign, shape or object which is used to represent something else.

Symbolic speech: a symbol to take the place of spoken words, such as the armbands in the Tinker v. Des Moines case.

Taunt: to provoke, ridicule, or tease somebody in a hurtful or mocking way.

Tease: to disturb or annoy by persistent irritating or provoking especially in a petty or mischievous way.

Testimony: evidence presented orally by witnesses during court or grand jury proceedings.

Theft: (the act of) dishonestly taking something which belongs to someone else and keeping it.

The rule of law: the notion that all members of society-average citizens and government official such as senators, judges, the police and even the president- are required to obey the laws. No one is above the law.

Transcript: a written, word-for-word record of what was said, in a formal proceeding such as a trial.

Treaty: a formal agreement between states or governments, especially one that ratifies a peace or trade agreement.

Trespass: entry to another's property without right or permission.

Trial: the hearing and determination of issues of fact and law, in accordance with prescribed legal procedures, in order to reach a disposition. Types of trials are a court or bench trial, heard only by a judge, and a jury trial, heard by 12 qualified citizens of the county where the trial is being held.

Trial court: the first court to consider a case, generally the [superior court](#).

Tribunal: 1) a court of justice 2) a body that is appointed to make a judgment or inquiry.

Tributary: a stream that flows into a larger stream or other body of water.

Truth: the actual fact or facts about a matter.

Trustworthiness: deserving of trust, or able to be trusted.

Tyranny: despotism; unjust, oppressive rule. James Madison (1751-1836) defined the recipe for tyranny as the buildup of all power and authority, including executive, legislative and judiciary, in the same hands. The U.S. constitution contains checks and balances to ensure that the conditions for the creation of a tyranny cannot appear.

Unconstitutional: not allowed by the Constitution.

Unjustly: in an unjust manner; wrongfully, unfair.

U.S. Constitution: the document that expresses the fundamental laws and principles by which the United States is governed. It was written at the Constitutional Convention in 1787 and later approved by the original 13 states. The Bill of Rights and other amendments have been added to the original Constitution.

U.S. Supreme Court: the highest court in the federal system with the power to invalidate any law or action that violates the U.S. Constitution.

Vandalism: deliberate destruction of public or private property.

Verdict: the decision of a trial jury or a judge that determines the guilt or innocence of a criminal defendant or that determines the final outcome of a civil case.

Veto: the formal rejection of a measure passed by the legislative branch by the chief executive (the president or governor) preventing it from becoming law. Both the US and California Constitutions, allow the legislature to override a veto, if two thirds of the members vote in favor of the override.

Victim: someone or something which has been hurt, damaged or killed or has suffered, either because of the actions of someone or something else, or because of illness or chance.

Violate: to go against or break.

Voir Dire: the questioning of possible jurors by the judge and the lawyers to decide whether they can fairly decide the case. "Voir dire" is a French phrase meaning "to speak the truth."

Voluntarism: the use of or reliance on voluntary action to maintain an institution, carry out a policy, or achieve an end.

Vote: to express your choice or opinion, especially by officially marking a paper or by raising your hand or speaking in a meeting.

Waive: to give up a right or claim voluntarily.

Warrant: a written order issued and signed by a judge, which allows the police to make a search or arrest a person.

Willful: 1) said or done on purpose; deliberate. 2) determined to do exactly as you want, even if you know it is wrong.

Win/Win: a solution to a conflict that satisfies both people and is fair to all.

Witness: one who testifies under oath to what s/he has seen, heard, or otherwise observed.

Written opinion: a judge's written explanation of a decision of the court or of a majority of judges.

Websites-Teacher Background

The following websites have been organized by category: civics and law related education lessons, delinquency prevention resources, research resources-courts and research resources civics. Some of these websites may have already been listed in a specific lesson but are listed here to insure greater awareness by teachers.

Civics-Law Related Education Lessons

Center for Civic Education

<http://www.civiced.org/>

The Center's *We the People* programs are used extensively by schools nationwide. In addition to the catalog of materials for purchase, this site includes research materials on civics education, downloadable versions of *Education for Democracy: California Civic Education 2003 Scope and Sequence* and links to the national civics standards for grades 4-12.

Civics Online

<http://www.civics-online.org/>

Civics Online is designed to provide teachers, parents and students with resources to enhance the teaching of civics. Teacher site includes helpful tools for quickly accessing primary sources related to core democratic values or classroom activities related to same. (Search under Library for primary sources, under Activities for classroom activities).

Constitutional Rights Foundation

<http://www.crf-usa.org/programs.html>

The Constitutional Rights Foundation has many materials available for purchase designed to teach students about citizenship, government, politics and the law. Examples include *Active Citizenship Today*, *City Youth*, *Civic Partnership and Youth Service* and a newsletter called the *Bill of Rights in Action* that is available for downloading. This newsletter includes lesson plans for teachers; one archived edition provided a comprehensive lesson on judicial independence.

Minnesota Civically Speaking - Minnesota Center for Community Legal Education

<http://www.civicallyspeaking.org/>

Excellent law related resources are available from this site. For example, the curriculum guide *Fairness and Freedom: Courts as a Forum for Justice* is for grades 5-12 and includes 17 lessons on the function and operation of the courts. Topics such as juvenile justice, mediation, punishment and voir dire are included.

PBS Teacher Source Social Studies

http://www.pbs.org/teachersource/soc_stud.htm

Access civic and other social studies lessons by selecting the grade level and topic area. Also includes a comprehensive list of websites that teachers would find useful for many creative social studies projects.

Pennsylvania Bar Association

<http://www.pabar.org/lawdayinformation.shtml>

Lessons designed for law related education according to an annual Law Day theme, for grades K-12. Some of these excellent lessons were adapted with permission for these materials, however, many more resources are available.

The American Promise

<http://www.americanpromise.com/home.html>

The American Promise, is devoted to helping K-12 teachers bring democracy to life in their classrooms. This site is a supplement to the videos and teaching guide produced for the original PBS series. Lesson plans are available on the following topics: freedom, responsibility, participation, hard choices, information, opportunity, leverage, deliberation and common ground. Teachers can order *The American Promise Teaching Guide* free of charge.

Washington State Courts-Judges in the Classroom

<http://www.courts.wa.gov/education/>

Extensive materials are available for all grade levels. While a number of these outstanding lessons were adapted with permission for these resources, many other lessons are available. Community resource persons, such as judges or attorneys, would be beneficial for these lessons.

Delinquency Prevention Resources

Law for Kids.org

<http://www.lawforkids.org/index.cfm>

This site includes a number of areas useful to lessons teaching about rules and laws and the consequences of violating them. In particular “Justice for All” –where students may tour a detention facility, “Law Docs” access to legal documents such as the Constitution, “Stories” first hand accounts of youth experiences with laws and punishment.

United States Department of Justice and United States Department of Education, Conflict Resolution Education: A Guide to Implementing Programs in Schools, Youth Serving Organizations and Community and Juvenile Justice Settings

<http://www.ncjrs.org/pdffiles/conflic.pdf>

Links directly to the document. The Guide provides comprehensive information for understanding conflict resolution, program descriptions and scenarios in various schools, how to establish a conflict resolution program, research and evaluation of conflict resolution, glossary and more.

Office of Juvenile Justice and Delinquency Prevention

<http://ojjdp.ncjrs.org/>

Juvenile Justice Facts and Figures include statistical data and a flowchart of the juvenile case flow. Resources covers gangs, school safety, youth service and court information.

Street Law

<http://www.streetlaw.org/classrm.html>

Street Law includes such programs as *Save Our Streets*, *Youth for Justice*, *Youth Courts*, *Teens*, *Crime and the Community*; *We Can Work it Out*, etc. Street Law textbooks are available for purchase and a guide to free practical law lessons is included under the “Street Law courses taught by teachers” link.

Research Resources-Courts

ABA Division for Public Education

<http://www.abanet.org/publiced/home.html>

This link is to the public education portion of the website. Extensive information is available about courts, the legal system, careers in the law and law related education programs across the country. American Bar Association developed lesson plans for grades K-12 are included.

California Courts, The Judicial Branch of California

<http://www.courtinfo.ca.gov/>

Access to information about the functions and operations of the California Courts, including the superior courts, the courts of appeal and the supreme court. Includes access to all California Court websites, photographic tours of “a day in the life of” four superior courts and historic photographs of all 58 county courts. The on-line version of *What’s Happening in Court* an activity booklet for children is also available in both English and Spanish.

Federal Judicial Center

<http://www.fjc.gov/>

The Federal Judicial Center provides education and research for the federal courts with the goal of improving judicial administration. Particularly noteworthy are the federal judicial history (including biographies of federal judges), histories of individual courts and landmark legislation.

Legal Information Institute, Historic Supreme Court Decisions by Topic

<http://supct.law.cornell.edu/supct/cases/topic.htm>

Topics are listed in A-Z order. Once a topic is selected, a list of cases in chronological order appears. Select the “+” next to the case title to access the written opinion.

The Civic Mind, Tips for Understanding Legal Cases and Trials in the News

<http://www.civictimind.com/qcase.htm>

A brief but helpful framework for reading about court cases. A straightforward 5 step process is used that walks the reader through what they need to know to interpret what happened in a particular court case.

The State Bar of California

http://www.calbar.ca.gov/state/calbar/calbar_home.jsp

This website includes a booklet entitled *Kids and the Law, An A to Z Guide for Parents*. (Click on the graphic at the bottom of the home page to access). This guide is designed to educate parents regarding the laws involving their minor children, but would be also helpful to teachers interested in learning more about California laws. Site also includes consumer information pamphlets on legal topics useful for research projects about laws and the courts.

United States Courts

<http://www.uscourts.gov/outreach/>

Information about the United States Federal Court System. Includes a 46 page document about the federal courts entitled *Understanding the Federal Judiciary*. This document is the “textbook” for the federal court education program aimed at high school students, however, it contains helpful information for general research about the courts. In addition, this site includes links to all the federal court websites.

Research Resources-Civics

American Memory-Historical Collections for the National Digital Library

<http://memory.loc.gov/ammem/amhome.html>

American Memory is a gateway to rich primary source materials relating to the history and culture of the United States. The site offers more than 7 million digital items from more than 100 historical collections.

ConstitutionFacts.com

<http://www.constitutionfacts.com/index.shtml>

Great site for student accessible research. Includes access to documents such as the Constitution, but with “fascinating facts” to make the subject come alive for students. A brief biography of each signer of the Constitution is included, as well as more in depth information under the “founding fathers” link. Includes famous quotes about the Constitution and democracy. A timeline of “dates to remember” is a useful tool. Relevant to these materials, site also includes fascinating facts about the supreme court, the justices and a brief description of 20 landmark cases.

FindLaw Annotated Constitution

<http://www.findlaw.com/casecode/constitution/>

The Annotated Constitution available here is a complete copy of the United States Constitution explained almost line by line. It was prepared by the Congressional Research Service of the Library of Congress, a nonpartisan group that works directly for congress. According to one source “this site provides relevant sources, precedents, analysis, and interpretation for all”. A comprehensive review of each Amendment is also available, tracing the history, Supreme Court interpretations and other writings.

National Constitution Center

<http://www.constitutioncenter.org/index.asp>

Many sources for research are included. “Explore the Constitution” provides links to “fast facts” about the Constitution, definitions of “basic governing principles” summaries of the lives of the “founding fathers”, hot topics of the day related to the Constitution found under “Constitution Newswire” and more. The “Interactive Constitution” allows users to search by keyword, topic or Supreme Court case to find information. Lessons for civic education are also included, teaching resources (includes a one week curriculum for grades 3-5 entitled *Being American*) and sidebar stories about famous Americans.

The John C. Stennis Institute of Government, Mississippi State University,
Educational and Materials Site

<http://www.sig.msstate.edu/mainpage.fwx?goto=civhead>

Over 1,000 links to materials that promote civic education. Categories include Interactive Presentations, Congressional Information, Current Events, Handouts, Historic Court Cases, Historic Speeches, Historic Texts, Information Search, Lesson Plans, Presidential Information, State Constitutions, and Today in History. Great place to start many civics or social studies research projects.

National Archives and Records Administration-Digital Classroom

http://www.archives.gov/digital_classroom/

Includes the 100 documents (all pre-1965) determined to be most important to US history. Many of these documents are available for review on line. A teacher's resource book as to how to use these documents is provided. This site also includes multiple lesson plans for teachers, linked to the National History Standards and National Civics Standards.

The Founder's Constitution

<http://press-pubs.uchicago.edu/founders/>

This site includes writings from people engaged in the early forming of the U.S. Government. Documents range from the early seventeenth century to the 1830's and per the introduction include philosophical reflections, popular pamphlets, public debates, and private correspondence. Selections are arranged, first, "according to broad themes or problems to which the Constitution of 1787 has made a significant and lasting contribution," and then by article, section, and clause of the U. S. Constitution, "from the Preamble through Article Seven and continuing through the first twelve Amendments."

Evaluation of Teaching Resources

The California Judicial Education for Youth Project would sincerely appreciate your feedback regarding the teaching resources. Your comments will be used to improve the materials and if funding allows, to expand the project to additional grade levels. Please complete and return the evaluation to:

California Judicial Education for Youth Project
c/o Tammy Glathe
Napa Superior Court
825 Brown Street
Napa, CA 94559

1. How appropriate was the content for use in your classroom?

Exc ☐ Good ☐ Average ☐ Fair ☐ Poor ☐
elle
nt

2. How well was the content organized?

Exc ☐ Good ☐ Average ☐ Fair ☐ Poor ☐
elle
nt

3. How easy were the materials to use?

Excellent ☐ Good ☐ Average ☐ Fair ☐ Poor ☐

4. How well did content link to the California State Standards?

Exc ☐ Good ☐ Average ☐ Fair ☐ Poor ☐
elle
nt

5. Will you continue to use these materials?

Exc ☐ Good ☐ Average ☐ Fair ☐ Poor ☐
elle
nt

6. Please write any additional comments below. Thank you.